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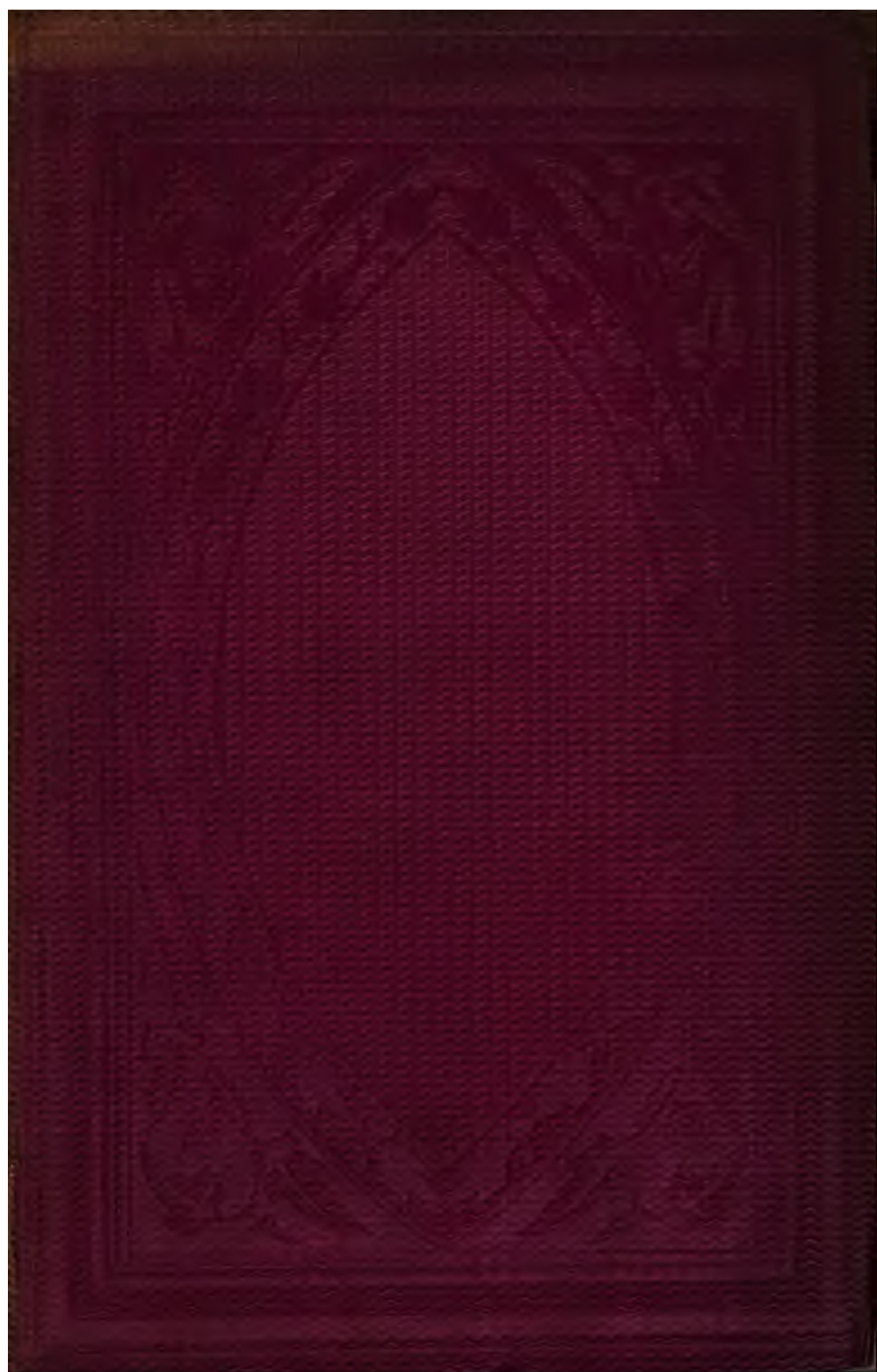
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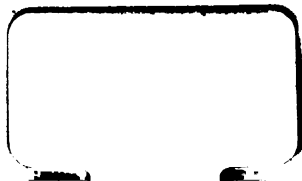
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Arminius:

A HISTORY OF THE GERMAN PEOPLE AND OF THEIR LEGAL AND CONSTITUTIONAL
CUSTOMS, FROM THE DAYS OF

JULIUS CÆSAR

TO THE TIME OF

CHARLEMAGNE.

BY THE LATE

THOMAS SMITH, ESQ., F.S.A.,

Member of the Camden Society; some time President of the Literary and Philosophical
Society of Leicester. Author of "Essays on Geoffrey de Villehardouin," "The Voluspa,"
"The Assize of Jerusalem," &c.

EDITED BY HIS SON,

THE REV. FRANCIS SMITH,

CURATE OF ST. PAUL'S, MANCHESTER.

200. B. 146.

LONDON:

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DEDICATED BY PERMISSION

TO

The Right Rev. the Lord Bishop of Manchester.

MY LORD,

As an old Rugbman, in your Lordship's time, and for the last ten years a Curate in the chief city of your diocese, I not unnaturally looked to your Lordship for countenance and support in the work I proposed to publish. Doubtful whether, in the discharge of a filial duty, I should not be incurring a greater risk than the means of my position would justify, I felt cheered and encouraged by the warm interest which your Lordship at once evinced in the undertaking; and now gratefully tender you my best thanks for the readiness with which you allowed your name to appear in connection with the work.

For the information of your Lordship, and that of readers in general, I may here take the opportunity of briefly stating that the object of the author, in the following pages, is to shew, in the first place, how the German people, under their chieftain Arminius, and his successors, first withstood, and then repelled the advance of the Roman arms towards the Rhine, until, advancing from that boundary they, in their turn, became the aggressors, and had finally established themselves in every province of the Western Empire; and, secondly, to give a life-like picture of those social habits, and legal and constitutional customs, which have had so great an influence upon our own modes of life, thoughts, principles, and institutions.

With regard to the pains and research bestowed upon the work, I know not that I can convey a better idea to the

reader than by giving the author's own account of his labours. In a letter to a friend upon the subject, written from Heidelberg, shortly before his death, he says—"I have learnt much during the last four years, at the price of great labour; the labour, perhaps, has preserved my life thus far. I proceed in my task without intermission; but when I look back I am astonished at the slowness of my progress, and despair of being able to complete a tolerably full account of the earliest history, and of the legal and constitutional customs of Germany. The more I read, the more I find to read, and to examine. It takes so long to search the Quellen, so long to compare them and weigh their credit, to consider their bearings and partialities, to pick out a clue from an accidental admission, to reflect, select, reject, compress, to wait and ponder till I see my way, takes away an amazing deal of time. What I do, I wish to do substantially, that it may be quoted hereafter as an authority. I try to clear up facts, localities, but above all, dates. When there is discrepancy among sources, I quote them and examine them, pointing out the doubtful, and giving reasons for the preference. When there is doubt, I state it. I will not make a shallow book, if I can make a good one after my own views. It will make its way, though I leave it behind me."

That this prediction may be fulfilled is the earnest desire and prayer of his son, who has now, by its publication, done what in him lay to contribute to such a result. The text I have given *in extenso*, as it stands in the manuscript, but regret to add that I have been obliged to withhold the many valuable notes which accompany it, on account of the great additional expense that would have been incurred by their publication. Trusting, however, that the intrinsic merit of the work itself, together with the daily and hourly increasing importance of German affairs and politics, may be sufficient to secure for it a favourable reception at the hands of a discerning public.

I have the honour to be, my Lord,

Your Lordship's

Very obliged and obedient servant,

FRANCIS SMITH.

Manchester, July 25, 1860.

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Arminius :

A HISTORY OF THE GERMAN PEOPLE AND THEIR LEGAL AND CONSTITUTIONAL
CUSTOMS FROM THE DAYS OF JULIUS CÆSAR TO THE DAYS OF
CHARLEMAGNE.

Liberator haud dubie Germaniæ, et qui non primordia Populi Romani, sicut alii Reges Ducesque, sed florentissimum imperium incesserit : præliis ambiguus, bello non victus. Septem et triginta annos vitæ, duodecim potentie explevit : caniturque adhuc barbaras apud gentes ; Græcorum annalibus ignotus, qui sua tantum mirantur ; Romanis haud perinde celebris, dum vetera extollimus, recentium incuriosi. (TAC. ANN., II. 88.)

CHAPTER I.

Introduction.

It is a memorable circumstance in the world's history, that Germany should be the only European land which withstood the arms of the Romans—that the Rhine should be destined to restrain the power which the ocean itself had not bounded. (Flor. Epit., lib. iv. 12, 89.) Notwithstanding the rudeness and poverty of the country, Rome had powerful inducements to undertake its conquest. Its situation between Thrace, Italy and Gaul; the warlike and restless character of the inhabitants, which made them dangerous neighbours to the Danube and the Rhine; the reproach to the lords of the world in leaving a hostile people unsubdued; the very necessity, inherent in a military power, of continually advancing: for where conquest stops decay begins: all these motives almost compelled the Romans to attempt the subjugation of Germany. From the days of Julius Cæsar the necessity had been foreseen, and information respecting the country and the people had been diligently collected. And though the great world-conflict interfered for a time to prevent more than partial aggression, the systematic conquest was begun with the accession of Augustus to supreme authority. For more

than half a century after Caesar's first passage of the Rhine was the contest carried on with a greater or less degree of vigour; the people upon its borders were gradually subjugated, the Empire was constantly extending itself deeper into the heart of the country, the Eagles had appeared on the Elbe, and the district between the Rhine, the Weser, and the Maine, began to assume the form of a Roman province, when the whole fabric of Roman power in Germany was destroyed in a single day by the genius of a single man. That man was Arminius—a name which is the Latinized form of Armin, or more properly Herman, a chieftain or prince of the Cherusci, dwelling on the banks of the Weser. At this distance of time, the notices to be found in the ancient historians respecting Armin and his history, are neither abundant nor satisfactory; but it is no ungrateful task to collect from the ancient historians the fragments relating to a struggle which involved the independence of Germany and perhaps the existence of those free principles of government—popular legislation and popular administration of law—of which Germany was the birthplace and the cradle. It is difficult to conceive that these could have survived, had the ancestors of the Anglo-Saxons been, like the Gauls, thoroughly subdued to the despotism of Roman law; or to avoid the thought, that the conquest of Germany by the Romans might have changed the destinies of mankind.

The Germany of the Roman writers was bounded on the west by the Rhine, which separated it from Gaul; on the south by the Danube, between which river and Italy dwelt the Rhetians, Pannonians, and Alpine tribes, supposed to be of Celtic race; to the west were the Havi, whose limits are less positively defined by Tacitus, as mountains and mutual apprehension; while on the north and the north-west, the country was bounded by the ocean. It is obvious that the boundaries marked by the Danube and the Rhine, are rather political than natural. Rivers, however convenient from their definite line of boundary, as political landmarks, have never separated peoples; and in fact we find in the earliest historical period, people of Suevic race settled on both banks of the upper Rhine, as far as the Vogesan range, while the whole country between the lower Rhine and the sea, was occupied by tribes of German origin, who had extended their settlements as far as the shores of Britain. These tribes had, unquestionably, in some pre-historic period wandered over the river, and possessed themselves of the fertile land which in Caesar's time was known by the name of Belgium. (Caesar, *Bell. Gall.*, v. 12.) Caesar mentions a tradition that a time had been when the Gauls had had the pre-eminence in arms, and instead of yielding up their own country to the Germans, had formed settlements eastward of the Rhine. The tale probably

arose from the fact of people of Celtic race being found settled in southern Germany; but it is more credible that these Celtic tribes had preceded the Germans in the occupation of the country, and continued there after their arrival. The main stream of German folk-wandering seems to have set in towards the north. In the upper part of southern Germany the Suevi thinly extended through the Hercynian forest, while to the south and west lay the Boii, tribes of Celtic origin, afterwards subdued by the Marcomanni, but whose name is still preserved in Bohemia and Bavaria.

Tacitus inclines to the belief that the Germans were sprung from the soil, and adds, that in their ancient hymns they celebrated the god Tuisko, sprung from the earth, and his son Mann, as the origin and founder of their race. A surer light than Tacitus, has shewn us that mankind have sprung from a common parent, and that the morning-land was the cradle of the human race. There must therefore have been an epoch wherein the western nations emigrated from the east, though the course of their wanderings, and the period of their emigration, are altogether lost in the darkness of time. Almost the whole of our own historical knowledge is derived from the Greek and Roman sources; and the ancient writers are silent or fabulous respecting facts which had taken place long before the commencement of the historic period. Herodotus, indeed, mentions a race among the Persians, who were called *γερμανοί*; but the *γερμανοί* of Herodotus were serfs, cultivators of the soil, not warriors, and there would be little probability of such a race escaping from Median thralldom. (Herod., i. 125.) Nor was German ever the collective term by which the people of Teutsch race called themselves. The surest evidence of the relationship of the Germans and Persians is to be found in the analogies of language. Language is the true criterion of the affinity of peoples. A certain degree of affinity may be traced in all languages; many Teutonic words are common to the Celtic, the Slavonic, the Persian, and the Sanscrit; many to the Latin and the Greek; others again may be found in the Semitic tongues, and a few western roots may be traced in the greater number of barbarian languages; in most of these languages the analogies are limited to single words, and are comparatively few in number, while in the Persian, out of 12,000 pure Persic words contained in the language, more than 4,000 are pure German, and there is moreover such a general affinity of spirit and construction in the two languages, that it is impossible to question their common origin. The Sanscrit, again, stands to both in so remarkable a relation, that it must be regarded as the parent of both. But here research terminates. The time, the causes, the circumstances of the separation remain in darkness. We must be content to know that a time has

been when they were identical, and, though we want no additional proofs of the authenticity of sacred history, wonder at the strange coincidences which modern philological inquiries bring forward as evidence of its truth.

The inhabitants whom the Romans found on the eastern banks of the Rhine were known to them under the general appellation of Germans; among themselves they were more commonly designated by the names of their particular tribes or nations. The word "German" is not Roman, neither is it the Celtic or Teutonic designation of the people. Tacitus relates that it was said to be a name of no antiquity, but that the people who first passed the Rhine and expelled the Gauls were sometimes called Tungri, sometimes Germani; and that, the name of the nation prevailing over the name of the race, all were known by the name which had first been assumed by the conqueror for terror, and were called Germans. Tacitus speaks the truth, without being aware of its true explanation; which, notwithstanding, is extremely simple. The Wehrmen of the Tungri—according to Gallic pronunciation, German—were the warriors—those who bore arms, who would be the first to cross the river, and come into collision with the Gauls. With the latter, the cry—"The Wehrmen, or German, are here," would be a word of terror. Every separate tribe or nation among the Teutsch had, of course, its Wehrmen. The Gauls dreaded them as Wehrmen; their confederacies were confederacies of Wehrmen; and thus the word, in Cæsar's day, had become that under which they were generally known. The collective name of the whole race was "Teut;" the particular designation of each nation was derived from geographical accidents, or from fancied, or imputed qualities. The source of many of these designations is irrecoverably lost; yet, the name of the Sigambri may be traced from their residence on the Sieg. The Saxons derived a designation from the Saals; Marsi are the heroic people; Hurmunduri mean the illustrious Thuringian warriors; Longbeards requires no explanation, though the Saga of Frigga speaks of passing long-haired women upon Odin for bearded men. It was natural that the kingdoms afterwards founded by these various nations in Roman Europe should be known by their peculiar names, not by that of the whole race, which would afford no distinction; but, in their own land, the Germans have been invariably distinguished by the words—Thiudisc, Theodisc, Düdesk, Dödsch, Deutsch, Teutsch; adjectives proceeding from Teut. More than 400 years before Tacitus, had Pytheas, in a voyage from Marseilles, undertaken for purposes of science and discovery, come into contact with the Teuton, without being aware that it was the name of the whole people, not that of a particular

tribe. In the same manner, the Teutones are coupled by the Romans with the Cimbri, as tribes coming from the north of Germany. In the year 279 B.C. the Cimbri and Teutones appear on the Italian side of the Alps; and again in the year 115 B.C.; when they excited terror in Rome itself, and were only extirpated, by Marius, after one of the most sanguinary wars recorded in history.

Germany is described as a country under a gloomysky, rude, dismal in aspect and cultivation; either covered with wood, or foul with marsh (Tacit. Germ., i. 5; de Sit. Orbis, lib. iii.); more humid than Gaul, more stormy than Noricum and Pannonia; tolerably fertile, but unfavourable to fruit-trees; productive in flocks, though often of stunted growth; its greatest and most valued riches consisting in its herds of cattle. The actual acquaintance of the Romans, however, was, to a great degree, limited to that portion of the land which lay between the Rhine, the Elbe, the Main, and the ocean; and of parts of this division, even of that between the Main and the Lippe, they knew little beyond the course of the rivers. All knowledge of the remoter districts could only be acquired from the vague reports of travelling merchants, adventurers, or captives. The south of Germany was almost entirely unknown to them. They appear rarely to have ventured over the Danube, and never to have penetrated the range between that river and the Harz. The whole region southward of the Main, beginning in the west, near the borders of the Rauraci and Nemetes on the Rhine, from Basel to Speyer, and stretching to the east further than human information extended, was supposed by the Romans, in Cæsar's time, to be occupied by the vast and vague Hercynian forest, which popular credulity peopled with monstrous animals, and made synonymous with horrors. They little knew what rich and fertile plains—what green, delicious valleys—what sunny hills, now rich with the glowing vine, were concealed by the Suabian forests, which presented so dark and repulsive an exterior. Their practical knowledge was confined, for the most part, to the district northward of the Lippe; and it cannot be denied, that to that portion of the country the description of Tacitus is perfectly applicable. Northward of the Harz and the Lippe, extend, with the exception of the Teutobergii Vald, vast plains of sand, moor, or marsh, of melancholy aspect. The sands, partly occupied by pine forests, partly by heath or thin grass, can only be made productive by the most sedulous culture. The moor, which lies yet more northerly, is still more desolate in appearance. Here the darksome pine forests, which give a kind of gloomy grandeur, are wanting; and the fuel which they yield in their own localities is supplied by the peat, which, in this

climate, is one of the chief blessings of the inhabitants. But nothing can exceed the desolation of the aspect of parts of northern Germany : the traveller may go for miles among marsh and morass, with nothing to disturb the solitude but the cry of the moor-hen, and see little vegetation but rushes, heath, or the uncomfortable willow. But parts of the land again are fat, rich, and productive, well adapted either to pasture or the plough, though worked with difficulty, and in mild winters, after thaws, and even in the rainy times of spring and autumn, slimy and slippery to the tread. The heavens are generally of a greyish tint, which deepens into blue only in the height of summer ; the air is moist, the fogs frequent, the winters generally hard, and the springs late. If such is the nature of the country in the present moment, we may conceive the sad aspect it would bear in the eyes of the Romans, inured to the light and sun of Italy, before roads were constructed, ere dams against the overflowings of sea or river were thought of, or a system of draining was practised. In the lapse of twenty centuries, how much has been done in the way of improvement ! How many forests have been cleared ! How many marshes have been drained ! How vast a space has been recovered for human use, and fitted for human enjoyments ! Land, at that time thinly sprinkled over with a scanty herbage, now brings forth abundantly ; but the sky is the same, the climate still moist and raw, and, wherein the country is changed, it is man and industry which have changed it.

The Germans are spoken of as being of almost gigantic stature. The expression must be taken as an exaggeration, for there is nothing in the present day to distinguish the German from other branches of the Gothic family ; and, though it is undoubtedly the tendency of civilization to reduce the strength and stature of man, it is hard to believe that, in eighteen centuries, they can have dwindled from heroic into ordinary dimensions. In uncultivated life, however, there is not only a more powerful make, but also less diversity in the stature of individuals ; a fact to be ascribed to the necessity, common to all, of a life of labour and exposure to the air, which is better calculated to give full volume to the muscles. All precise data respecting the stature of the Germans are wanting, unless the "septipedes," which Sidonius Apollinaris applies to the Burgundians, be taken as more than a poetical expression. The fact of the great stature and powerful make of the Germans, as compared with those of the Romans, is, notwithstanding, beyond doubt ; it is referred to by eye-witnesses as a matter of fear or exhortation too frequently to admit of question, though, doubtless, the expressions that have been used have led to exaggerated notions on the subject. The whiteness of their skins, their blue eyes, and

yellow hair, excited at Rome no less astonishment than their stature. The first of these qualities is not mentioned by Tacitus, though it is by Plinius and others. It would well seem white, when compared with the sunburnt complexions of Italy. Tacitus, though he makes no reference to the national fairness of skin, remarks, that the whole people were distinguished by fierce blue eyes and yellow hair, the latter so remarkable, that Plinius ascribes it, mistakenly, to the use of a certain soap, or unguent, of fat and ashes; which he yet admits was more in request among the men than the women. Ovid mentions the attempts of the Roman ladies to render their hair "German" by means of unguents. Martial, too, refers to the "Pita Mattiaca." The light colour of the hair denoted by the words—"flavus," "rutilus," "rufus," "auricomus," *ξανθός, κρυσεϊδής; πυρρόος*, which probably comprehended all shades, from flaxen to red, was a quality so peculiar to the German race, that Tacitus inclines to the opinion, that the Caledonians were people of German origin, from the mere circumstance of their yellow hair. It was long the ornament of the German people, and was celebrated in the songs of the poets down to the destruction of native poetry in the fifteenth and sixteenth centuries. The habits of the people were warlike; their fierce blue eyes are described as being terrible in battle. The Belgian Germans were the most formidable opponents whom Cæsar encountered; and in their own land, on the right bank of the Rhine, the Germans were never conquered. Those who served in the Roman armies, were pre-eminent on every occasion: their valour is the frequent theme of the Roman historians. Their arms naturally depended upon the wealth and quality of the warrior, but the "framea," a long lance, with a taper, sharp point, fitted both for close and distant combat, appears to have been the actual weapon. To him who could afford it, a war-horse was indispensable; also a "framea," a sword, a shield—often made of wicker or of board, painted with devices,—a helmet, and sometimes, but rarely, a coat of mail. Polished armour, however, would, of course, supersede the original nakedness, in proportion to the peoples' intercourse with Rome. Those who could not attain the distinctions of horse and armour, fought on foot, clothed in hides, with the "framea," or such clubs or missiles as they could procure. The German horse were particularly celebrated. The riders used neither saddle nor stirrup, and were accustomed to alight at pleasure, and fight on foot, when necessity required it. They had little artificial discipline, but fought by clans and families, a custom which may be still recognised in the middle ages, when every senior headed his peculiar vassals; it was only broken up by the revival of Roman discipline. Hence it arose that the voices of women and children

might often be heard in their camps; it was no unusual thing for the wife to accompany her husband to the war, to take part in his struggles, and to be the holiest witness and rewarder of his valour. In domestic life, the Germans were remarkable for a kind and social temper, which made even slavery tolerable; and for a singular purity of life. Nowhere did marriage assume such a high and holy character; nowhere were women so honoured, and nowhere have they so nobly justified the confidence reposed in them. There was, in German eyes, something sacred in woman. It was her part to minister refreshments and exhortations to the warrior in the field. Careless of danger, they dressed the wounded, and tended the last moments of the dying. "Those who were wounded," says Tacitus, "were dressed and tended by their wives and mothers, who never shrank from the ministry of love."

The ancient German religion appears to have been essentially the same as that of the Goths of Scandinavia; but while the Icelandic luminaries shed a lustre over the rites and religious customs of the north, scarcely the vestige of a notice can be found in the ancient German writers respecting the mythology of their country. If authorities were altogether wanting, we could with difficulty avoid the conclusion of the identity of the Northern and German superstitions. A common language necessarily leads to the inference of a common origin and common rites. The days of the week consecrated in each land to the same divinities, the Sun, the Moon, Tys, Frega, claim in both countries the same peculiar days, and the Wodensday of the Germans is the Odinstage of the people of the north. Woden, indeed, in Germany has been compelled, by more potent priestcraft, to resign the fourth day, which has become "Mittwoche," but the pious endeavours of the Icelandic clergy to convert it into Midvikudagr, have hitherto been rewarded by inadequate success. The want of letters in times of German paganism would, necessarily, be adverse to the preservation of ancient customs, and upon the introduction of Christianity, there was no Sœmundr to collect the expiring traditions. The old songs which Charlemagne is said to have collected and taught his children, were regarded as Devilsworks (Teufelswerke) by his unfortunate successor, and destroyed as vestiges of idolatry. There are to be found, notwithstanding, scattered in the ancient chronicles, a few references to the old superstitions, among the most remarkable of which is a Saxon formel of idol renunciation, of the time of Pippin, about 743, in which the catechist is made to renounce "Thunaer, unde Wodan, unde Saxnote." That the Wodan of the formel, variously written Wuotan by the Saxons, Guotan, or Wrotan by the Lombards, is the same god with the Odin of the Edda and the Othinus of Saxo,

is clear from Adam of Bremen, who, in his description of the temple of Upsala, speaks of three great gods whose statues were within it: Thor, Wodan, and Fricco. Thunaer, Thonar, Donar, Thor, are the same word, the latter being only a contraction of the former. The Fricco of Adam of Bremen, Freyr, Fro, the god of fertility, he who gives sunshine and rain, has given place in the formel to Saxnote, a local divinity which appeared to the Romans as Hercules, but of which little has been preserved but the name. If we except the names of localities in which the appellations of these divinities may be traced, as the Wuodensberg in Hesse, mentioned in the life of St. Bonifacius; Gudenesberg, now Godsberg, by Bonn; Wednesbury in Staffordshire, Woodnesborough in Kent, Donnersted in Brunswick, the Donnersberg near Worms, (in the same manner may be found Torslunde in Denmark, Thorsbiorg in Norway, Tosinge (Thôrs engé) in Sweden), little more remains in German history upon the subject of German mythology. All fuller accounts of its divinities, all details respecting their worship, must be sought in Snorro or Sæmundr.

Wherever the Romans established themselves, they generally, with a happy self-complacency, recognised their own gods in the divinities of the conquered nations. Remarking the attributes assigned to them in the relations of the barbarians, observing them on their statues, they too hastily inferred an identity which had no existence; their accounts of barbarous superstitions are, consequently, confused and contradictory beyond the possibility of reconciliation. The thunder of Donar would obviously suggest the idea of the thundering Jove; the helm and rod of Wodan the caduceus and petasus of Mercury; yet there was little in common in the characters of the Bauer-progenitor and the Olympian deity, or between the meanest of Roman divinities and the Gothic All-father. The only native names which occur in Tacitus' Germany are "Nerthus," whom he describes as mother-earth, worshipped in an isle of the ocean, which is understood to be Rugen, and Alcis, a double divinity, to which no statue was erected, but which yet was adored as youthful brothers in a grove by the Naharvali as youths and brethren, and therefore, according to the Roman interpretation could inevitably be no other than the great twin-brethren of classical antiquity. The name Alcis would seem to be the Gothic "Altis," a grove or temple, mistaken by Tacitus for the name of the divinity. Nerthus, which, upon arbitrary and unnecessary grounds, was altered by Rhenanus into "Herthus," and afterwards by Ernesti and Oberlin into "Hertha," is described as being drawn about in a covered waggon. "Happy the day of her coming, and joyful the place honoured by her approach. There were then no

wars, no arms; every sword was sheathed. Then only were peace and rest known, then only deemed a blessing." Thus, too, in Sweden, in the beginning of spring, was Freyr or Freya, the giver of fertility, drawn about in procession in a covered waggon, and received everywhere with prayer and festival. But with this coincidence all resemblance between Herthus and the northern divinity ceases.

Cæsar was informed that the Germans worshipped only such divinities as were perceptible to the senses, whose propitious power was felt, as the Sun, the Moon, and Vulcan, by which he means the divinity of fire. (Cæsar, *Bell. Gall.*, vi. 21.) The writer's acquaintance with German habits was necessarily superficial, nor would his enquiries be directed to subjects to which he himself was supremely indifferent, but his Vulcan naturally reminds us of the northern "Loki"; though, to the most minute investigators, there is not the slightest allusion to "Loki" to be found in the traditions of Germany. Tacitus states that of all the gods, the Germans chiefly adore Mercury, to whom on certain days they offer human victims; Hercules and Mars they appease with offerings of hearts only. The jumble of superstitions is curious. The Mercury whose service requires human sacrifices, is not the Mercury of the Romans, neither were they accustomed to regard the thieving god in the light of the supreme of all. It is true that in the Hermes of early Greece, and in the Phrygian Mythras, to whom also the Romans applied the character of Mercury, there are traces of a being of a far more exalted nature—all-wise, all-provident, the giver of all good, the Lord of the souls of men. This character is applicable to Wodan, though not to the Mercury of the Romans, yet that the German divinity called by the Romans Mercury is the same with Wodans, rests on indisputable historical evidence. Jonas Bobbiensis, a writer of the early part of the seventh century, in his life of St. Columbanus says: "*Ille vasque magnum quod vulgo cupam vocant, quod viginti et sex modios amplius minusque capiebat, cerevisia plenum in medio habebant positum. Ad quod vir Dei accepit et asciscitur: quid illo fieri vellent? Illi aiunt: Deo suo Wodano, quem Mercurium vocant alii, se velle litare.*" (Mabill., *Ann. Bened.*, ii. 36.) Paul Warnefrid in the eighth century says: "*Wodan sane, quem adjecta litera 'Gwodan' (Longebardi) dixerunt, ipse est qui apud Romanos Mercurius dicitur, et ab universis Germaniarum gentibus ut Deus adoratur.*" (Paul, *Diar. d'Est. Longob.*, i. 9.) Galfrid makes Hengist say "*Colinus maxime Mercurium, quem Woden lingua nostra appellamus.*" Though there is no doubt of the identity of their divinity, there is less certainty respecting the other persons of the heathen trinity; yet Witikind, speaking of the victory of the Saxons over the Thuringians, on the Umstrutt, A.D.

530, refers to Mars and Hercules: "Aramque victoriæ construentes, secundum errorem paternum, sacra sua propria veneratione venerati sunt, nomine Martem effigie columnarum imitantes, Herculem loco solis, quem Græci appellant Apollinem." Hercules is said to be the Saxnote, who, with Thunaer, are found in the formel with Wodan. The Gothic war-god is Tius; old German, Yiu; Anglo Saxon, Tiv; Icelandic, Tyr. It is useless, however, to attempt the establishment of a general analogy between the Roman and Gothic mythologies from such partial and casual coincidences, since in no case are the subjects entirely parallel, and in none are the character and attributes identical. But it is remarkable that in all the notices of Gothic superstition, Roman and barbarian, the idea of a trinity occurs, which varies in its persons, though, with the exception of Cæsar's, "Sol, Luna, and Vulcanus," Wodan is generally found in it. In Tacitus it is Mercury, (Wodan) Hercules, and Mars; in the North, Thor, Odin, and Freya, or as it is written by Adam of Bremen, Thor, Wodan, and Frizzo; in the Saxon formel it is Thumaer, Wodan, and Saxnote. Even in the south of Germany, where Christianity has been long established, may be found reliques of a similar superstition. Wilifrid Strabo, in his life of St. Gall, assures us that the Saint found at Bregenz, in the year 612, a fane, in which were "tres imagines æreas deauratas."

The temple of the Germans, like the temples of almost every primitive people, was a grove. Tacitus, the oldest authority on the subject, makes frequent allusion to the sacred groves, though sometimes a temple implying an edifice is mentioned, as the famous temple of Taufana. When the grove contained an edifice, it was not a building calculated for the reception of worshippers, but merely a fane or shrine, in which might be placed the statue of the divinity; such were the temple of Upsala, and the fane at Bregenz, mentioned by Wilifrid Strabo. The Irminsul, on the contrary, is thought by some to have been placed in a grove without the protection of a building, and there is reason to conclude, that except in the districts exposed to the influence of Roman example, fanes were of rare occurrence. St. Amandus, who died A.D. 674, destroyed, near Gand, the trees and trunks, "which even then were revered as divine, and the Donner-Eiche, the "robnr Jovis," "where the Hessian folk, in the eighth century, held both their idolatrous and political assemblies, which stood on the banks of the Edder, near Giesmar," not far from Gudensberg and Fritlar, was cut down in 723, by St. Bonifacius. (Act. Bened., ii. 714—18.)

In the old Gothic dialects the same words indicate both a grove and a temple, but the idea is rather that of a place separated from the rest of the land for sacred purposes. This, indeed, would seem

to be the original sense of the word "temple," if it is derived from the Greek *τέμενος*, a word from *τέμνω*, to cut off—which is used for a sacred grove, or a temple, but properly means their precincts—a place cut off and sanctified for the celebration of divine worship.

The institutions and customs of the Germans, political and legal, demand a far more extended notice than they can receive in this introductory chapter. Here little more than the principle can be noticed, which was Folk-right, pervading the whole structure of society. Public government, legislation, and, above all, the administration of law were in the hands of the freemen, each of whom lived upon his own Allod. The common interests of each nation were discussed and considered in general assemblies of the Wehrmen, over which presided the prince or Fürst, literally "the first," who was generally elected from a certain family, in which was the hereditary right. These were the Reges whom Tacitus tells us were elected from regard to their nobility. Common law was prescriptive, handed down traditionally from generation to generation; but it was its administration by the Wehrmen themselves which conferred the fullest exercise of freedom, and the most complete security against arbitrary aggression. Twice a year assemblies were held by the freemen in every gau for the administration of justice, and monthly every mark had its meeting for the regulations of its narrower interests. Each of these various meetings was presided over by an elected president, called Graf, Gau-graf, or Dorf-graf, as the case might be—a word which seems to have a common root with "grau," grey, and like the Senior or Signor of the romance languages, would imply in the original sense elder, a person venerable from age. Everything in the German political economy was thus popular; in peace, the prince, though highly honoured and enriched with voluntary gifts, exercised little direct authority; in war, his power was necessarily more considerable, though even then he was often controlled by other chiefs; and obedience, as appears from the reproach of Germanicus, was to a great extent voluntary.

The Germans were divided by Plinius into five great races (Plin. Nat. Hist., iv. 28.) Vindili,—Vandals, including the Burgundiones, Varini, Carini, Guttones, Ingævones, whom he places along the coast, of whom the Cimbri, Teutoni, and Chauci formed part; Istævones, the people of the Rhine, who had spread themselves to the German Ocean; Hermiones, of central and southern Germany; Peucini and Bastarnæ of the east. Tacitus, apparently with a view of accommodating this five-fold division to the mythus, which makes the Germans descended from the three sons of Mann, reduces the five races to three. (Tacit., Germ., ii.) To the Ingævones and Istævones he assigns the same seat and limits as Plinius, but he

includes all nations eastward of the Weser and southward of the Danube in the collective name of Suevi. The mythic division is of little practical importance; the Germans never appear by it in history, but we find them, on the contrary, divided into a great number of separate tribes or nations, and in their wars and alliances are few traces, perhaps, with a limited exception of the Suevi, of a more extended nationality than confederacies for a particular object. In Cæsar's time the German tribes who had crossed the Rhine and settled themselves in Gaul were the Tribochi, Nemetes, and Vangiones, dwelling in the district where Strasburg, Speyer, and Worms were afterwards situated. The Belgians of Germanic race were the Treviri, whose name is preserved in the city of Treves; the Poemani, Coræsi and Condrusi, to the north of them, between the Maas and the Rhine; the Aduatici of south Brabant, betwixt Namur and Ath, in which latter city, their name may probably be traced; the Nervii of Hainault, whose capital was Bugacum, now Bavay; the Eburones on the Maas, between Liege and stretching towards the Rhine; the Menapii, dwelling in North Brabant, from the mouth of the Maas, nearly to Cleve and the Morini—"Extremique hominum Morini," (Virg., viii. 722)—who dwelt on the shores of the ocean from Boulogne to the mouth of the Scheldt. Beyond the Maas were the Batavi, whose chief seat was the Batavian Insel, extending from the Waal to the northern branch of the Rhine, and comprising Holland from Dordrecht to Leyden. The Caninefates dwelt to the east of the Batavi as far as Utrecht, while the Frisones occupied north Holland, and the country about the lake Flevis, as far as the ocean and nearly to the Ems. To the east of the Frisones, along the coast as far as Holstein, and southward to Bremen, were the powerful race of the Chauci. In Holstein itself the Saxones, in Jutland the Cimbri. The Amsibarii were settled on the Weser, between Bremen and Minden; the Dulgibini and Tubantes, between Minden and the Ems; the Marsi, to the north of the Lippe, between Wesel and the Teutoberger wold; the Bructeri, between the Tysel and the Ems; the Chamavi, eastward of them, beyond the Ems. The Sigambri dwelt between the Lippe and the Sieg, along the right bank of the Rhine, from Bonn to Wesel; the Usipii and Teucteri, driven by the Chatti from their ancient abodes, appear afterwards in the same locality. In Nassau were first the Ubii, then the Mattiaci; while to the east of these, from the Fulda mouth to the Vogelsberg, was the great nation of the Chatti. The Cherusci lay northward of the Chatti, on the banks of the Weser, occupying part of Brunswick and Hanover, extending as far as the Harz. South of the Main were the Marcomanni and various little peoples of Suevic race. Among the Suevic peoples about the Elbe, were

reckoned the Longobardi, in Lüneberg; the Semaones, from the Elbe to the Oder; southward of the Semnones were the Hermanduri. In Bohemia we find the Boii, or Celtic tribe; in Moravia, the Quadi; in Silesia, the Gothini. Between the Oder and the Vistula were the Burgundiones; on both banks of the Vistula were the Gothi; along the shores of the Baltic lay the Heruli, Rugii, and others. Farther east were Slavonic tribes, while the south of the Danube was inhabited by peoples for the most part of Celtic race. Of the same race were the Helvetii of Switzerland, the Boii of Bavaria and Austria, the various tribes of Rætia, Vindelicia and Noricum. Such was the state and general distribution of the inhabitants of Germany when the Romans approached the Rhine.

CHAPTER II.

Cæsar.

SEVENTY years after the Romans had first set foot in Gaul, in the third summer after the defeat of Ariovistus, (B.C. 55,) Cæsar stood for the first time on the banks of the Rhine, a little below the spot where the dark Mosel is received into its azure waters. (Cæsar, *Bell. Gall.*, iv. 16.) No Roman had yet passed the broad and blessing-fruitful river. From its wild yet not solitary shore, Cæsar surveyed, with an enquiring eye, the wooded hills of Germany, conscious, perhaps, that beyond their verge would be found the most formidable antagonists of the Roman people. The expulsion of Ariovistus had naturally transferred to him the ascendancy in the Celtic provinces, and the Ædui and Sequani soon discovered that they only exchanged a barbarian for a Roman master, perhaps less tyrannical, but far more fatal to their national independence. Warned by the experience of their Celtic neighbours, and entertaining a not unnatural apprehension and jealousy of the power and intention of the Romans, the Belgians inhabiting the northern parts of Gaul had entered, in the year 57 B.C., into a confederacy against Rome, in which the Nervii, the Remi, the Morini, the Menapii, the Aduatici, the Conduci, Eburones, Pæmani, and almost the whole of the tribes of German race took part, but which was rendered abortive by Cæsar's characteristic decision and the rapidity of his movements. Long ere the allies could arrange their plan of operations, and draw their forces together, Cæsar appeared among them. The Remi, unable to stand alone, and despairing of final success, joined the Romans; the Suessiones submitted after a short conflict; the Nervii, a more considerable people, occupying the

modern Hennegau, whom Cæsar next attacked, made a determined though ineffectual resistance, and only yielded after the almost utter extirpation of their warriors. Out of the six hundred Nervian chiefs only three remained alive, and scarcely five hundred men who could bear arms survived, out of sixty thousand fighting men, the flower of their nation. A fate even more deplorable befel the Adnatici, who at the time of the defeat of the Nervii were already on the way, with their whole strength, to join them, but on the intelligence of their mishap had retired into their own borders, where they concentrated themselves within the lines of a single fortification.

Here they commenced a treaty with the Romans, but having, during its progress, endeavoured by night to surprise the Roman camp, their entrenchment was stormed by Cæsar, and the survivors of the slaughter, 53,000 in number, were sold, as a punishment of their perfidy, into slavery. (Cæsar, *Bell. Gall.*, ii. 1—33.) The severity of this proceeding spread a general terror among the confederates, and over all parts of Gaul, and ambassadors from every quarter, and even from the Germans beyond the Rhine, (Cæsar, *Bell. Gall.*, iv. 16) appeared in the Roman camp, suing for peace, and praying to be admitted into the Roman alliance. The Morini and Menapii, probably thinking themselves secure in their swamps and their remoteness, alone sent no embassy, and proffered no submission, and Cæsar, who was then on the eve of returning to Illyria and Italy, secretly resolved to turn his arms upon them in the succeeding summer, provided time should remain after the subjugation, or, in the Roman phrase, the pacification of the southern parts of Gaul; for now nothing less than the permanent possession of the whole country, and its reduction into the form of a Roman province, could satisfy the vastness of his ambition. The summer of the year 56 B.C. was employed, with complete success, by Cæsar and his legates in the Vallais, in Bretagne, in Aquitaine; and towards the close of it he marched in person to the north, towards the settlements of the Morini and the Menapii. The former people dwelt along the shores of the ocean, from Boulogne to the Scheldt, occupying the provinces of East and West Flanders, and the dioceses of Ypres and St. Omer; the latter were thinly spread over the wide flat lying between the Scheldt and the Maas, and eastward of the Maas to the neighbourhood of the Rhine, comprising the modern duchies of North Brabant, Limburg, and Clive. The great occurrences of his preceding campaigns led Cæsar to anticipate little difficulty in the subjection of peoples so rude and poor as the Morini and Menapii, but these barbarians, taught by the disasters of their brethren, avoided a general battle with the

Romans. Concealing their flocks and families in the midst of their forests and morasses, they lay in ambush in the woods, vigilantly watching for opportunities of surprising detached parties of the enemy, and every straggler from the Roman army was cut off. Roman discipline availed little against this species of warfare; in vain did the soldiers endeavour to dislodge the barbarians by firing and cutting down portions of their woods; they only retired deeper into their recesses. The weather also, as usual in the decline of the year, became unfavourable; a succession of equinoctial storms interfered with the prosecution of the laborious and exhausting contest, and incessant autumnal rains warned Cæsar that the soldiers could be kept no longer in the field. He was compelled to content himself with the poor satisfaction of devastating the cultivated parts of the country, and burning all the villages and habitations he could find; and then withdrawing the army into the more southern provinces, he distributed it in winter quarters among the cities of Normandy, which lay to the south of the Seine.

While the Roman army lay thus, in the winter of the year 56, B.C., cantoned in Normandy, the event occurred which was the immediate cause of Cæsar's approach to the Rhine. This was an irruption of two German people, the Usipii and the Teuchteri, into Gaul. According to Cæsar's narrative, these two peoples, having long resisted the power of the Suevi, were at length reduced to abandon their ancient homes, the exact position of which is somewhat uncertain, and after a three years' wandering among various hostile tribes of Northern Germany, approached the borders of the Rhine, where, having taken possession of the settlements formed by the Menapii on the right bank of the river, and seized the shipping they found there, they compassed a passage over into the Menapian territory. One can scarcely help suspecting in this narration something of the *parum integra veritas*, which is said to have been ascribed to the author of Asinius Pollio; for it is admitted by Cæsar that these wandering peoples had been invited over the Rhine by some of the Gallic states, and as there seems little inducement for the Romans to undertake the defence of the Menapii, with whom they were at war, against tribes which, as he says, desired the Roman alliance, it is by no means clear that the latter, so far from coming with hostile intentions against the Belgians were not invited by the Menapii themselves, in concert with other Belgian states, to settle in their wide spread and inadequately occupied boundaries, as a means of strengthening the confederacy against the common enemy. Cæsar seems to have been perfectly aware of the discontent of the Gallic people with regard to the Roman government, and con-

sidering Gaul in the light of Roman property, he could not without anxiety contemplate the number of new allies, who came with their families and effects, and amounted to not less than 430,000 souls. An immigration of such magnitude could not be other than formidable, even if not brought about in concurrence with the discontented Belgian states, and when Cæsar coupled it with the intrigues which he had discovered, and with the notorious fickleness of the Celtic character, he could entertain little doubt that the approach of the Usipetes to the centre of the country, would be the signal of an universal revolt. Sensible that the means of avoiding a general conflagration was to trample out the first sparks of danger, he determined to consider the Germans as enemies, though they had yet committed no act of hostility against the Roman people. Without losing a moment, he adopted the measures which the urgency of the time required, called a meeting of the Gallic princes, carefully dissembling his knowledge of their intrigues and his suspicions of their fidelity, and having, by flattering their vanity and soothing their passions, confirmed them as far as possible in the Roman interests, he obtained their concurrence in the war upon the Germans, and their aid in its prosecution. In the mean time he had drawn his troops together, and early in the year 55 B.C. he advanced, by forced marches, across the country, in search of the Usipetes and Teucteri, who had quitted the lands of the Menapii for the boundaries of the Eburones, and were encamped upon the banks of the Maas, not far, probably, from the present city of Liege. Surprised by his sudden and unexpected advance, the Germans, when he was within a few marches of their camp, sent an embassy to him which addressed him, in nearly the following terms: "The Germans desire not to begin a war with the Roman people, but, if aggrieved, they will not hesitate to repel aggression by arms; for it is the custom of their fathers to look a foe in the face, but never to bend before him. It cannot be denied that we have been driven from our homes, and are not here from any desire of our own; but still, if the Romans wish to secure our gratitude, they may find us useful friends. Let them give us lands to dwell in, or suffer us to hold those we have already won. We have been indeed vanquished by the Suevi, whom not the Gods themselves can withstand, but there is no other people upon the face of the earth we should fear to encounter." To this address Cæsar replied as seemed good to him. The gist of his speech was, that he would contract no friendship with them as long as they continued in Gaul; that it was not to be credited that people who could not defend their own possessions should make good their pretensions to those of others; still, if they chose to return into Germany, and would settle in the

country of Ubii, whose ambassadors were then in his camp asking assistance against the Suevi, he would endeavour to bring about an agreement for that object. The ambassadors undertook to lay his proposition before their people, and promised to return to him in three days, requesting that in the meantime he would not move his camp nearer to them. Cæsar declined to comply with this request, because, being aware that the greater part of the German horsemen were foraging beyond the Maas, he suspected the required delay was only intended to afford time for their return. When Cæsar had come within twelve miles of their encampment, the prayer that he would advance no nearer to them was more earnestly repeated, and it was particularly desired, in order that they might have time to send ambassadors to the Ubii, to know if an agreement upon the terms proposed by Cæsar were practicable, that any aggression or attack upon them by the Roman horse might be strictly forbidden. For this they required a further space of three days. Cæsar professes that he was still impressed with the belief that the required interval was merely intended to give time for the recall of their horsemen, but he promised, notwithstanding, to advance not more than four miles on that day, and desiring them to return on the next with all their Adelings, gave orders to the horse which preceded the legions to forbear in the meantime from any attack upon the barbarians. A fight, nevertheless, the cause of which is unknown, arose between the Roman equites, 5,000 strong, and that portion of the German horse which remained in the camp, whose number did not exceed 800 men, and in spite of the enormous disparity of numbers, the latter attacked the Romans with such ferocity, leaping, as was their custom, from their horses and stabbing those of their adversaries, that the former fled in a panic, and Piso, an Aquitanian of high birth, was slain, with seventy-three other soldiers. There seems to be something in this adventure which Cæsar has not thought fit to explain; it is evidently not the whole truth, for it is contrary to reason that the Usipetes, after their earnest endeavours to obtain a suspension of hostilities, and in the absence of their most efficient warriors, should become aggressors without provocation, and with such hopeless odds against them; and subsequent events clearly proved that by them no treachery had been contemplated. Even from the tenor of Cæsar's relation it seems to have been no more than an accidental squabble, of the cause of which no explanation could be given; but he gladly seized hold of it as an act of perfidy, which absolved him from all friendly relations with the barbarians, and when on the next morning their princes and men of noble blood appeared in his camp—and they came in great numbers without either hesitation or suspicion—to

explain and excuse what had occurred, which had taken place, they said, without their authority or knowledge, and to treat about their future destiny, he resolved first to seize upon their persons and then make an immediate assault upon their camp. He does not dissemble his joy at the credulity which had brought them within reach of his power, and immediately placed them in close ward, and while the Germans, happy in the prospect of a treaty which should give back their wives and children, after their wanderings, to a home in their fatherland, and in the persuasion that their chiefs were enjoying Roman hospitality under the everlasting law of nations, were spread idly around their waggonburg and over the surrounding fields, the Romans, in three bodies, were upon them. The first, 8,000 strong, had already reached their camp before any suspicion of their errand arose; there was neither time to take arms, nor to seek safety by a retreat, nor was there any one to give directions. Those of the German warriors who could arm themselves drew up within the circle of their waggons, endeavouring as well as they could to defend themselves against the Roman troops, who, infuriated by the disgrace of the preceding day, broke into the camp. The miserable crowd of women and children fled over the fields, they knew not whither, and Cæsar despatched the horse, the heroes of the preceding combat, to cut them down. The Germans, hearing the cries of these helpless creatures, paused in the combat, and seeing that those who were most dear to them were thus mercilessly slaughtered, threw down their arms in despair, leaving standards and everything behind them, and fled in the direction of the point where the Rhine and the Maas approach each other, not far from the spot opposite to Wesel, pursued by the Roman soldiery. On the banks of the Rhine there was no choice but the water or the sword. Numbers of the Germans were slain in the pursuit or upon the border of the river; numbers threw themselves into the stream, and, oppressed at once, by weariness, horror, and the strength of the current, were drowned. With the exception of the mounted warriors, who in consequence of their accidental absence from the camp avoided the slaughter, few of the victims reached the German shore. The horsemen found means, by making a circuit, to pass the river lower down, and with the few who had escaped the massacre, found compassion and a home among the Sigambri, nor can it be a matter of astonishment that their descendants should afterwards appear in history among the most implacable enemies of Rome. As a nation; the Usipetes and Tenchteri were for a time almost annihilated. Of 430,000 human beings who had crossed the river, the far greater number had been swept away, as Cæsar boasts, without the loss of a single Roman soldier; few were even wounded. The mind is absolutely

astonished at the insensibility which can relate with calmness the naked history of such an act of treachery, such a scene of unprovoked bloodshed. What must have been the state of Roman morals and Roman society, when a man, not naturally cruel, whose boast was that cruelty was foreign to his nature, could chronicle, without a blush, such a record of his actions! It is true, the atrocity of Cæsar's dealings with the Usipetes and Tenchteri was denounced even in Rome. Marcus Porcius Cato proposed in the Senate that Cæsar should be given up to the barbarians, in order that the wrath of the avenging Gods might be averted from the city and the republic. Many of the fathers supported the proposition of the reverend man, but it was rejected by a great majority, and the Senate, far from censure, voted a supplicatio, a thanksgiving of twenty days, for the success which had been vouchsafed to Cæsar's undertakings, and thus added another sin to the black catalogue of Rome's responsibilities. (Cæsar, Bell. Gall., iv. 1—15.)

The war of the Usipii and Tenchteri had in this manner brought the Romans, 55 B.C., to the banks of the lower Rhine, and Cæsar resolved to strike terror into the barbarians, by shewing them that even the great river itself was no defence to them against the Roman arms. Many reasons impelled him to pass over into Germany, of which one was to teach the Germans that the Roman territory, and Gaul and Belgium were now considered Roman territory, could not henceforth be violated with impunity; the second and most urgent was to punish the Sigambri for the support and refuge which they had granted to the remains of the Usipii and Tenchteri. He first sent a message to the Sigambri, requiring that the Usipian horsemen, who, owing to their accidental absence from the camp, had escaped the massacre, and reached the land of the Sigambri, should be given up to him. The mounted part of a German host naturally consisted of the wealthier and more distinguished portion of the people, and the requisition to deliver them up is hardly reconcileable with the boasted clemency which had led Cæsar, after the attack on the Usipii, to give freedom to the chiefs whom he had inveigled into his camp. The demand seems neither reasonable, nor even desirable, and Cæsar probably used it only as a pretext for aggression. The Sigambri answered, "The Roman Empire ends with the Rhine. If Cæsar considers it unjust that the Germans should pass over into Gaul, why should he desire to exercise authority on the German side of the river?" At the time when the reply of the Sigambri was received, the ambassadors of the Ubii were still in the Roman camp, and their entreaties became more and more urgent the nearer he drew to their country, that he would cross the river, or

at least send troops to assist them against the Suevi. They offered to provide shipping for the passage of the army. The Ubii were at that period settled on the right bank of the Rhine, between the Seig and the Main, in the district, the chief part of which now constitutes the Duchy of Nassau and the territories of the free state of Frankfort. They were the only German people beyond the river which had sent an embassy to Cæsar, or had sought his friendship; and it appears that they were driven to take this step from their apprehensions of the Suevi, whose boundaries were contiguous to theirs, and whose hostility to them was of an immemorial date. (Cæsar, Bell. Gall., iv. 16.)

The Suevi are described by Cæsar as the most powerful and warlike of the German races; they are said to have possessed an hundred Gaus. But which was the identical people to whom Cæsar applies the term *Suevi* has been the subject of some controversy. Plinius reckons the Suevi among the leading tribes of the Hermiones; Tacitus, again, tells us that *Suevi* was a collective term, under which were comprised Hermanduri, Marcomanni, Semnones, Narisci, Quadi, and others, as well as those which, according to the classification of Plinius, were included in the Vandal race, and it appears probable that the word Suevi or Schwaben, which is said to owe its origin to a peculiar fashion of wearing the hair, comprehended at that period the various nations of central and southern Germany. In this collective sense the army of Ariovistus consisted of Suevi, but Cæsar evidently points to a single tribe, enumerating Suevi among Harudes, Marcomanni, Vangiones, and Nemetes. Who then were the Suevi by whom the Ubii were oppressed? Cluverius, and after him Mannert, have endeavoured to shew that it was the Chatti who were the object of the complaints and apprehensions of the Ubii; that Cæsar was in error when he designated them Suevi, and it cannot be denied that the geographical position of the Chatti with relation to the Ubii, to a certain degree favours the hypothesis. The Chatti were the nearest neighbours of the Ubii; a Chattian tribe, after the emigration of the latter people, occupied the district they had vacated; and if the forest of Bacenis, which Cæsar ascribes as the natural boundary of the Suevi and the Cherusci, be the Harz, as is assumed by Cluverius, that demarcation is more applicable to the Chatti than to any known Suevic tribe. On the other hand, it is impossible that the Ubii should not have known whether their aggressors were Chatti or Suevi, nor was Cæsar the man to be imposed upon: if there were two nations within thirty miles of his encampment, he would not easily be mistaken or deceived. It cannot be supposed that the people who then occu-

pied the Hessian land had not in Cæsar's day taken the name of Chatti, for in the time of Augustus it was their ordinary appellation. Strabo describes them by the name of *Xarroi*, and Drusus is said to have founded the *Castellum Chattorum* to overawe them. It seems improbable, therefore, that the formidable Suevi, who were the object of Cæsar's inquiries, were Chatti, and, if so, the Seducii, Harudes, and other Suevic tribes dwelling southward of the Main being placed out of the question by their insignificance, we can only look for the Suevi of Cæsar in the great nation of Hermanduri and their allies. The limits of the Hermanduri approached the eastern boundaries of the Ubii on the borders of the Main, and there seems to have been a kind of waste, or debateable ground, between the Hermanduri, the Chatti, and the Ubii; for we find the two former peoples, in later times, in debate over the salt-springs in the neighbourhood of the Franconian Saal, which accords with Cæsar's description of Suevic habits, though it is difficult to lay down any exact line of demarcation. It was in this vicinity that Drusus encountered and overthrew a host of Suevi, said by Florus to be Marcomanni; they might either be Marcomanni, allies of the Hermanduri, or the Mark-men of the latter nation; there is no ground for supposing they were Chatti. I adhere, therefore, to the belief that Cæsar's Suevi were really Suevi, the rather because the assumption of the identity of the Bacenis with Harz rests upon two untenable grounds: the similarity of sound in Cæsar's Bacenis and the Melibocos of Ptolemy (which latter was undoubtedly the Harz), and the presumed vicinity of the Bacenis to the Cherusci. With respect to the former reason, the latter part of Ptolemy's *Μηλί-βοκος* is certainly the German Buck—Buckel—Hump, mountain—a word still to be found in the Melibocos of the Bergstrasse, and in the Catzembuckel, the highest point of the Odenwald. But Bacenis belongs to another root, and not to the Melibocos, but to the Buconia or Buchonia Silva which is spoken of by Gregory of Tours, and succeeding chroniclers. Literally, Buchonia, or Bacenis Silva, is a Buchen-wald—beech forest. It might mean any beech forest, but it was particularly applied to the extensive forest ranging from the Spessart northwards, over Fulda on the west of the Thuringerwald. As to the Bacenis being a wall between the Suevi and the Cherusci, the whole country from the Thuringerwald to the Harz was forest, and when the Ubii assured Cæsar that the Suevi had retired into the Bacenis Silva, they meant no more than that they had retired into the great Buchen-wald. The Beech-wald was the boundary of their geographical knowledge; they knew nothing beyond.

Cæsar had his own reasons for resolving to humble the Suevi, as

well as for punishing the Sigambri; and now, on the banks of the Rhine, willingly gave ear to the representations of the Ubii. With the view of passing at once into the territory of his allies, whence he might more easily attack the Sigambrian borders, he moved upwards along the Rhine to the neighbourhood of Andernach, where he prepared to cross the river; but with respect to the proffered shipping, he chose neither to place himself in the hands of the barbarians, nor was he unwilling to shew them that the Romans required no foreign assistance to enable them to pass into Germany. It was a grand opportunity of awing the barbarians by shewing them the surpassing greatness of Rome in arts and discipline; and, with the calculating prudence which distinguishes his character, he resolved to throw a bridge over the river, which had never before submitted to man's restraint. The precise spot he selected for his passage has not been accurately pointed out; it was somewhere below Coblenz, most likely in the low country betwixt that city and Andernach. Cæsar dwells with just and excusable satisfaction upon the difficulties which the breadth and depth of the river, and the rapidity of its current, interposed in the way of laying down his bridge, and describes with unusual minuteness the structure and progress of the stupendous work, which was completed in the short space of ten days. Each end of the bridge being fortified, and garrisons stationed in each, he crossed over with his army to the right bank of the Rhine, and took his way at once into the territory of the Sigambri. But no enemy was to be found: all was solitude. The Germans had retired with their families and cattle into the depths of their forests; nothing remained but to waste the country, and Cæsar, after firing their deserted villages and harvests, returned into the territory of the Ubii. There he was informed that his aid against the Suevi was no longer necessary. "The Suevi," said they, "having heard of the building of the bridge, had held a great Thing, as their custom is, and sent messengers into all their Gaus with instructions for the inhabitants to abandon their villages, to conceal their wives, children, and property in the woods, while the Wehrmen were to assemble in a certain specified place in the centre of their country, and there await the onslaught of the Romans." It did not accord with Cæsar's plans, after the first object of his expedition was accomplished, to lead his army so far from the Rhine in pursuit of the Suevi; but after a stay of eighteen days in Germany, during which he had delivered the Ubii from their blockades, revenged himself on the Sigambri, impressed a general terror on the Germans, received ambassadors from many German states, in short, done enough for glory and utility, he again passed over into Gaul, and the bridge was broken up. (Cæsar, Bell. Gall., iv. 17—19.)

In the same summer, late as it was, Cæsar traversed the north of Gaul, with the view of passing over into Britain. The support which the inhabitants of that island had afforded to the ever restless Gauls, is alleged as the chief motive which induced him to cross the ocean. There were also curiosity to see the country, the manner of the people which inhabited it, its localities, ports, and approaches, —perhaps the ambition to plant the Roman Eagles in a land so little known, and yet so famous in its obscurity. From the merchants who occasionally visited the southern coast of the island, he could procure little information as to its magnitude, its native tribes, their habits and institutions, nor even as to its largest ports; and Cæsar thought that, though the period which yet remained before winter was insufficient for conquest, he should at least acquire the knowledge which was essential, and lay the foundation for future operations. As a preliminary step, he moved his whole force into the country of the Morini, whence he might conveniently embark; and, while he was collecting a fleet at Portus Iccius, which appears from his description to be the harbour of Boulogne, he received the submission of the greater part of the Morini, who gave hostages for their fidelity. Having procured, by impressment or contract, a sufficient number of vessels, he embarked two legions at Boulogne, leaving the remainder of the army under the command of the legates—Quintus Titurius, Sabinus, and Lucius Aurunculeius Cotta, to carry on the war against the Menapii, and that portion of the Morini which yet had made no submission. Cæsar's adventure was not without its perils; but while he was contending on the shores of Britain with fierce inhabitants and equinoctial tempests, the Menapii still continued their desultory warfare, and the Morini took occasion of his absence to endeavour to shake off the subjection which, under the name of alliance, had been forced upon them. Against the latter, Cæsar, on his return from Britain, sent the legate, Labienus, with the two legions which had returned with him from the voyage; and the heat of the summer having dried up the marshes which had before served them for a retreat, Labienus found no difficulty in again reducing them to obedience. But the Menapii were more fortunate in the nature of their country; the legates, Cotta and Titurius, no match for the barbarians in warfare amid interminable woods and morasses never dry, in which habit and natural necessity rendered them expert, could no where come up with them, and after revenging themselves by ravaging the fields, destroying their corn harvest—wherever they found it—and burning their empty habitations, they had no resource but to return to Cæsar. It was now late in the autumn, and Cæsar having distributed the army in

which quarters among the Belgæ departed according to his usual practice for Italy. (Caes. Bell. Gall. iv. 20—26.)

The spring and summer of the following year, 54 a.c., were devoted to Caesar's expedition into Britain, only two of the states of that country having sent the hostages which they had promised. Having first, while his preparations were going on, pacified the Treveri, then the Roman faction, with four legions and eight hundred horse, and left Labienus on the Gallic coast, with three legions and 2000 horse, to garrison the ports and provide for his communications and supplies, he embarked for the second time at Boulogne, taking with him five legions and an equal number of horse. In the apprehension that disorders might arise in his absence, from the general enmity of the Gallic character, he carried with him the greatest number of the Gallic princes; a refractory one, Dumnorix, who was not used to the voyage, he put to death. The tempests which nature sent to the island of Britain again opposed, and threatened to sweep upon the shore; but the great man creates his own good fortune, and Caesar's forethought, decision, activity, and presence of mind, overcame all obstacles; the ships were repaired, the natives subdued, and after having continued in the island until the approach of the Equinox warned him to depart, and received the submission of many British Reguli, he landed, in the month of September, again in Boulogne, laden with spoil, hostages, and captives. After holding an assembly of the Gallic states at Amiens, he quartered his troops for the winter. Another summer of remarkable dryness had produced a deficient harvest, which compelled him to distribute them over a wider space than was usual with him, in view agreeable to his caution. One legion was placed under the command of the legate, C. Fabius, for the purpose of coercing the Morini; a second, under Q. Cicero, was stationed among the Nervii at Bagacum; a third was placed among the Essui, under L. Roscius. Labienus, with a fourth, was directed to winter among the Remi, on the confines of the territory of the Treviri. Three legions were stationed between the Seine and the Somme, in the part of Belgium inhabited by the Bellovaci, under the command of the Questor, M. Crassus, and the legates, L. Munatius Plaucus, and C. Tribullius; and one legion and five cohorts were sent to winter at Aduataca, in the country of the Eburones, under the command of the legatus, Titurius and Cotta.

The Eburones were settled on both sides of the river Maas, from Namur downwards, as far as Maastricht; they extended on the right bank as far as Juliers, and the neighbourhood of the Rhine; on the left, they touched the borders of the Aduatici of Brabant.

The Eburones, with the Condrusi, Signi, Cæreci, and Pæmani, were the first Teutonic invaders of Gaul, who were known by the name of Germans, being called sometimes Germans, sometimes Tungri. Their chief fortress was Aduata Tongrorum, now the venerable city of Tongres; and in this fortress Cotta and Titurius established their camp. The Eburones are spoken of by Cæsar as a somewhat inconsiderable people, having become tributary to the Aduatici, from whose yoke they had been liberated by Cæsar, on the downfall of that people. Two princes, or Adelings, Cativolcus and Ambiorix, or Ambiorich, stood at the head of the Eburones; the former an aged man, the latter in the bloom of manhood. They possessed the deepest devotion to the Romans, because by them their country had been liberated from the yoke of the Aduatici, and Ambiorix acknowledged special grounds of gratitude to Cæsar, inasmuch as he had procured the restoration of his son and nephew, who had been detained as hostages by that people. When Cotta and Labienus arrived at the Eburonian boundary, they were received in the most friendly manner, by Cativolcus and Ambiorix, and their winter camp was, by their care, supplied with abundance of provision; and yet within fifteen days everything was changed without any apparent provocation. The Romans, who were cutting wood in the forest, were set upon, and a sudden attack was made by the two princes and their people upon the Roman camp. Cæsar ascribes the unexpected defection to the intrigues of Induciomar, an Adeling of Treves, who was at the head of the anti-Roman party among the Triviri; and it is evident, indeed, that a general fermentation prevailed among the greater part of the Belgian tribes, who were by no means reconciled to the Roman yoke. The Eburones, according to Cæsar's statement, had had some reason to be grateful to the Romans, and it was alleged by their Adelings that the unexpected assault was contrary to their desire; but the Eburonian Wehrmen appear to have entered fully into the spirit of their countrymen, though it is not improbable that the immediate cause of the agitation among them, arose from indignation at seeing their chief town converted into a Roman fortress.

The assault upon the camp was repulsed without difficulty, and a sally by some Spanish horse, who served as auxiliaries, was attended with some loss to the Eburones, who, therefore, demanded a parley; for it is imputed to the barbarians, as a custom, that when their attack fails, they revert without scruple to negotiation. Titurius, who seems to have held the chief command, sent a friend of his own, C. Arpineius, to the conference, together with Q. Junius, a Spaniard, who had often been employed by Cæsar in missions to Ambiorix. He began with professions of the deepest gratitude to

Cæsar, enumerated the various benefits he had conferred upon himself and his country, and assured the envoys that the hostility of the Eburones had been prompted by no counsel or desire of his, but was the consequence of the resolution of the people. He then described the limited nature of the power enjoyed by German Adelings, and shewed the impossibility of any prince resisting the decision of the Mallus. After these preliminary topics, he adverted to the true cause of the war. He was not so mad, he said, as to measure himself, and his people alone, with the Romans; but there was a general conspiracy of all the states of Gaul against the Romans; they were determined to recover their common liberty, and no particular state could oppose itself to the common resolution. That all the winter camps of the Romans were to be attacked on the same day, in order that no one might be able to send assistance to the other. That his duty to his country demanded the sacrifice of his private feelings, but that he hoped to reconcile his acquiescence to the general decision with his sense of gratitude to Cæsar, and therefore did he fervently implore his friend, Titurius, to consult his own safety and that of his soldiers. He proposed that he should retire, with his troops, either to the camp of Cicero, which was pitched about fifty miles off, or to that of Labienus, who lay at a not much greater distance, before the arrival of an army of Germans, which had been invited, from beyond the Rhine, to their assistance, and which was expected within the space of two days; and he engaged, at the same time, and would bind himself by oath, to give him safe conduct through the Eburonian territories. Ambiorix, having concluded his address, departed; and the ambassadors returned, with his proposition, to the Roman camp.

It must be a bitter exigency which could prevail upon a Roman commander to yield up his camp at the bidding of a barbarian, and in a council of war which was assembled on the return of Arpinus and Junius, a hot dispute arose between the legates respecting the course to be adopted. Cotta was for holding out to the last; Titurius for yielding to necessity. The debate was protracted until midnight, when, after a protest on the part of Cotta that he held himself guiltless of consequences, it was determined by the majority to depart at daybreak. The remainder of the night was spent in preparations for breaking up. No treaty was concluded with Ambiorix, no further communication was made to him, and the Romans quitted their camp at sunrise without the slightest precaution, apparently possessed with the strange infatuation that from a man so friendly no danger was to be apprehended. The Germans, in the meantime, anticipating from the bustle in the Roman camp during the night what was to follow, had posted

themselves around a narrow valley stretching between two wooded hills, which formed part of a wald, at a distance of two miles from the camp, through which they knew the Romans must pass; there they awaited their coming, and no sooner had the main body of the troops fairly descended into the defile, than they showed themselves suddenly on the sides of the surrounding hills. All egress from the dell was cut off by strong bodies of the barbarians, and shortly afterwards, a general assault was begun. Titurius lost all presence of mind; Cotta, who anticipated something of the kind, did all that could be expected from a stout soldier and prudent commander in an extremity which, he had the comfort of reflecting, had not been brought about by him. It was little that valour or prudence could accomplish; for in the defile in which they were entangled, the only chance of salvation was the over-eagerness of the barbarians, and their rashness was restrained by the coolness of Ambiorix.

"Let no one," he cried aloud, "leave his station; everything which these Romans possess is yours; but first we must secure the victory." In numbers the contending forces were nearly equal; in courage they were not unequal; but the Romans fought under every kind of disadvantage, while the Eburones were directed by a man who knew how to make the most of his position. Restrained by the prudence of Ambiorix from engaging in close combat, the Eburones, when a Roman cohort dashed against a body of them, retired, and when it turned to regain the ranks, they closed upon its rear, and plied it with javelins and arrows. In this manner the greater part of the day, from the dawn until one o'clock, was spent; many of the soldiers, including two Primipilæ, Balventius and Lucanius, were slain, Cotta and many more were wounded, the ranks were becoming thin, and all were weary and discouraged, when Titurius, seeing Ambiorix at a distance directing the attack, sent to him his interpreter, Cneius Pompeius, and begged him to stop the slaughter in mercy to him and to the soldiers. Ambiorix replied:—"That if Titurius desired to confer with him, he was at liberty to come to him; that he hoped to be able to prevail upon the people to spare the lives of the soldiers, but, that at all events, he pledged his faith that Titurius himself had nothing to fear." The unfortunate man caught at the last glimmer of hope, and prepared to seek Ambiorix. Cotta, whom he desired to accompany him, positively refused to go; but he took with him the tribunes and first-class centurions, whom he had about him. On approaching the spot where Ambiorix was, Titurius and his companions were required to lay down their arms. Titurius obeyed, and directed his friends to follow his example; and then, while they were debating over conditions, Ambiorix purposely commenced a long dis-

course, during which, they were gradually surrounded by the Germans, set upon, and murdered. A shout of victory was raised immediately from all sides, and a fiercer and more general attack was begun. Cotta, who had already been wounded in the face by a sling, was slain, bravely fighting, with the far greater part of the soldiers. The remains of the legion forced their way back to the camp they had quitted in the morning; among them was the Eagle-bearer, L. Petrosidius, who, having fought his way to the camp gate, and being there surrounded by multitudes of the Eburones, threw the Eagle over the wall into the camp, and fell, covered with wounds. In the camp the battle was with difficulty maintained till night-fall, when the survivors, despairing of deliverance, fell upon their own swords. A few only, who escaped the battle, wandered by unknown paths through the Ardennes woods, and succeeded in carrying the news of the mishap to the legate Labienus. (Cæsar, *Bell. Gall.*, v. 26—37.)

The murder of Sabinus is a blot in the memory of Ambiorix. It is, perhaps, not surprising that German historians, jealous of the ancient reputation of their country, should endeavour to palliate an act which has tarnished a glorious cause, and is a stain on the proverbial integrity of the German character. In vain has it been alleged that Sabinus left Ambiorix in ignorance of his intentions, that consequently the Germans had reason to believe the movement of the Romans was hostile, and that even the slaughter of Sabinus and his officers was the result of a mistake, from which Ambiorix would have saved them, but too late. The first unexpected assault upon the camp, the specious professions and unfounded pretences by which Ambiorix lured the unfortunate legate from the protection of its walls, the entanglement and attack of the troops in the defile, the murder of unarmed men in his very presence, are proofs of a systematic treachery. It is true the narrative is that of an enemy, but the facts tell their own story, for by no other supposition than that of deception can the infatuation of Sabinus be accounted for. Nor was the subsequent bearing of Ambiorix that of a man conscious of just intentions. There was no attempt at justification, no expression of regret, no more professions of gratitude to Cæsar; but conscious that all was over between him and Rome, he threw off the mask and became its most rancorous enemy.

Ambiorix was a formidable enemy to the Romans, from his determined spirit and ever restless activity. Over the mind of his feebler colleague, Cativolk, he exercised an undisputed ascendancy, and as warlike tribes ever attach themselves to the most enterprising leader, he acquired over the Eburones an influence which was proof

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against years of suffering. At the period of the surprise of Sabinus, he had already contracted an alliance with Induciomar, a prince of similar character and designs, whose party had recovered its ancient ascendancy among the Treviri, and his first step after the slaughter was to extend still further the union against the Romans. With this view, he hastened, with the Eburonian horse, to his nearest neighbours, the Aduatici, from whom his countrymen had heretofore suffered oppression, and having brought them over to his views, proceeded without delay to the Nervii. In a mallus of that people, he represented that the day of freedom and revenge was at hand; that now was the opportunity of satisfaction for all the injuries they had suffered from the Romans; that the two legates and their force had already been annihilated; that by a sudden onset it was easy to slaughter the legion which lay with Cicero in their territories, in a winter camp, and that he was ready to cooperate with them in so glorious an object. The Nervii listened eagerly to his exhortations, and sent messengers on the spot to summon the Ceutrones, the Grudii, the Levaci, Pleumoxii, and Geiduni, little tribes who were dependent on them, that, with as great a force as possible, they might beleague Cicero's camp, ere intelligence of the death of Titurius should place him upon his guard. It happened, as at Aduataca, that the soldiers, who were cutting wood in the forest, were surprised, and the camp was immediately beset by an enormous host of Eburones, Aduatici, Nervii, and their clients. The soldiers hastily ran to arms, the walls were manned, but it was with difficulty the day was supported; for the hopes of the barbarians were bent upon a surprise, and the battle was in consequence one of peculiar acrimony. In the night, Cicero endeavoured to apprise Cæsar of his situation, but his messengers were intercepted by the barbarians, who on their side were not idle, for they constructed, with incredible celerity, an hundred and twenty towers, with which to renew the attack; and early in the following morning, having received considerable reinforcements, a new assault of the camp was begun, and the ditch was filled up. They were again repulsed, and so it continued for several days; but there was rest neither night nor day; neither the wounded nor the sick could taste repose; Cicero himself, who was in feeble health, was compelled to deny himself the customary and necessary sleep. At length, finding their efforts unavailing, some of the Nervian Adellings, who had been on intimate terms with Cicero, essayed the same stratagem which Ambiorix had practised with such fatal success on Titurius. They told him that all Gaul was in arms, that the Germans had passed the Rhine, that all the winter camps of Cæsar were beleagured, that Sabinus and his soldiers were dead,

and that there was no hope of relief from that quarter, but that for ancient friendship's sake, they would permit him to withdraw his troops in safety, and he might go whither he would without fear. But Cicero replied that it was not the custom of the Roman people to receive dictation from an enemy in arms, and offered his mediation with Cæsar, in case they would lay down their arms, to obtain for them the redress of any just complaints. Foiled in their design, they surrounded the camp, notwithstanding their deficiency of necessary implements, with a vallum eleven feet high, and a ditch fifteen feet deep, and endeavoured to fire the straw-thatched dwellings of the soldiers by means of burning arrows; a strong wind partially favoured the attempt, and in the midst of the disorder occasioned by the flames, they again ventured an assault, which was repulsed by the soldiers, whose courage seemed to rise with the difficulties which accumulated around them.

Cicero's camp was situated at Bagacum, now the town of Bavay, in Hainault, then the chief stronghold of the Nervii. Bavay, at a later period, was a kind of central point for the Roman communications in Belgium; it lies at a distance of about seventy miles from Tongres; the great Roman road, which connected the two cities together, is still visible, and for the most part in tolerable preservation; it crosses the Belgian Railway near the station of Waremme. Cicero had vainly essayed to send intelligence of his position to Cæsar, who, contrary to his custom, wintered in Gaul, and lay in upper Normandy; his messengers were all captured, and some of them publicly put to death in sight of the camp; but, at last, after an eight days' leaguer, one Vertico, a Nervian serf, who for some unknown reason had sought refuge among the Romans, was prevailed upon, by the promise of liberty and a great reward, to carry letters to Cæsar. These being concealed in his javelin, he passed, a German, without suspicion through the German camp, and succeeded in reaching Cæsar, who from them derived the first intelligence of the extremity to which Cicero was reduced. It was about 2 o'clock when the letters came into Cæsar's hands, and he lost not a moment in sending to M. Crassus, who was encamped in the Beauvoisin about 25 miles off, commanding him to break up in the middle of the night and join him. Crassus returned with the messenger. A second messenger was dispatched to the legate Fabius, directing him to march through Artois to meet him; and to Labienus he wrote, that if it could be done with prudence, he should move his legion to the confines of the Nervii. These troops, with those he had with him, would make four legions; but Labienus had been apprised of the death of Cotta and Sabinus, and dared not venture from his camp, which was already beset by the whole force

of the Treviri. It was necessary to leave one legion at the passage of the Somme, at Amiens, in charge of the baggage, hostages, and public property; the distance of the other winter stations made it impossible to obtain timely reinforcements from them; the force disposable for the relief of Cicero amounted, therefore, only to two legions, in addition to four hundred horse, which were hastily drawn together. With these Cæsar commenced his expedition, and having left Crassus in command at Amiens, advanced, by forced marches, upon the Nervii. It was important, but very difficult to apprise Cicero that relief was at hand. One of the Gallic horsemen undertook to shoot, during the night time, an arrow into the camp, to which was attached a letter, written, for fear of failure, in Greek characters. He succeeded in shooting the arrow into one of the wooden towers, but it was only on the third day afterwards that it was observed by one of the soldiers, who brought it to Cicero. The legate immediately read the letter publicly in an assembly of the garrison, by whom it was received with loud shouts, and soon the smoke of distant fires announced the approach of Cæsar and his legions.

The Germans, apprised by their scouts of Cæsar's approach, raised the siege and marched to encounter him, in the hopes of crushing him by the superiority of their numbers, for their united force consisted of not less than 60,000 Wehrmen. Cicero was enabled a second time, by means of the same Vertico, to forward a letter to Cæsar, in which he advertised him of the danger which threatened him. Cæsar was at a little more than a day's march from Bagacum when he fell in with Vertico. There was a deep dell which it was necessary to cross, and on the morning after the receipt of Cicero's letter, having advanced with extreme caution, he perceived the enemy posted beyond it, along the banks of a rivulet which intersected it. To descend with 7000 men into such a position, in the face of such odds, was madness; and he resolved to fortify himself on the spot, not without the hope of alluring the barbarians, by the simulation of fear, to an attack upon his camp; or, if disappointed in that expectation, of finding some safer point of passage through the valley and the brook. The stratagem succeeded. The Germans, bold by nature, and overweening from numbers and success, beset the camp, threw missiles therein, in the hope of provoking the Romans, and proclaimed, by heralds, that the Gauls and Romans who gave themselves up before nine o'clock should have quarter, but afterwards the lives of none should be spared. Their contempt of their feeble adversary was so great, that some began to pull down the earthen vallum with their hands, others to fill up the trench, when the trumpets blew a charge, the

gates were thrown open, and the troops sallied upon them. Confounded by the unexpected attack, the Germans fled in a panic, without a blow; but a great number were slain in the pursuit, which Cæsar, notwithstanding, out of dread of the woods and marshes, restrained from proceeding too far; and, on the same evening, he joined Cicero. There he found things almost at extremity. Nine out of ten of the soldiers were suffering from wounds. When he surveyed the towers and military engines which the barbarians had left behind them, he was astonished at their power, and the skill with which they were constructed; nor could he conceal from himself that a most imminent peril had been averted. He paid the tribute of praise which was so justly due to Cicero and his soldiers, and noticed every tribune and centurion whose merit was pointed out by the legate. The next day, being fully certified of the deaths of Cotta and Sabinus, he addressed an oration to the soldiers, in which he consoled them for the loss of their comrades, attributing it to the rashness and presumption of the legate; and admonished them that the misfortune must be borne with firmness, since, by the favour of the immortal gods, and their own valour, the triumph of the enemy would be short. (Cæsar, *Bell. Gall.*, v. 38—52.)

During the leaguer of Bagacum, the Treviri, who had taken upon themselves the duty of cutting off Labienus, gathered in force, under the command of Induciomar, round the quarters of that legate. The Maas formed the boundary between the Remi and the Treviri, from Mezieres upwards; and on the banks of that stream, within the Remish territory, but in a position to keep watch over the Treviri, Labienus had established his camp. Tradition has preserved no memorial of the exact site of this fortress. Cæsar states that it was sixty miles from Bagacum; it might probably be at a distance of about eighty miles from Tongres, and these figures would place it somewhere between the towns of Montegnny and Delain. (*Conf. Cluverius, Germ. Ant.*, ii. 111.) Induciomar had approached within a short distance of the camp, with the intention of attempting an assault on the following day, when the intelligence of Cæsar's victory, and of the dispersion of the Germans, which was brought in an incredibly short period, reached him. He saw that the time was gone by, and in the night withdrew with his forces into the land of the Treviri. It was not expedient at that time, in Cæsar's opinion, to carry the war into the Trevirese country; for during the winter the whole of Gaul was in excessive agitation, in consequence of the victory over Cotta and Sabinus; messengers were traversing the country in every direction; secret meetings were held in every district; and, with the exception of the *Ædui*

and the Remi, there was scarcely a single people upon whose friendship the Romans could rely. Having, therefore, sent back Fabius to his former post among the Morini, Cæsar established his own quarters at Amiens, around which place he distributed three legions, in three several camps, and there he determined to remain the whole winter, to watch over events, and await the issue of the ferment.

The disturbed state of Gaul was greatly exasperated, according to Cæsar's representation, by the intrigues of Induciomar. His emissaries were to be found in almost every state; alliances were entered into with him; public testimonies of honour and friendship were sent to him from almost every considerable city; and he acquired an influence and authority which was not confined to the German part of the population. But there must be a strong leaven of discontent throughout the whole country to produce such general consequences; and it is evident that the Roman domination was alike hateful to every race by which Gaul was inhabited. Induciomar did not confine his negotiations to the Gallic side of the Rhine. The ambassadors represented to the Germans beyond the river, that a great part of the Roman army was destroyed; and urged them to take advantage of the time to join the Belgian brethren against the common enemy. Spoil, money, and every object of temptation or ambition was offered; but, warned by the fate of Ariovistus and the Tenchteri, they still hesitated. In Gaul, the Senones, one of the most powerful of the Celtic peoples, were in arms. Cæsar had placed over them a king—one Cavarinus—but, in a sudden sedition, they had driven the monarch out of their territories; and the unforeseen tumult had led to precipitate hostilities. Induciomar availed himself of the occurrence to induce the Treviri to active operations. In an assembly of the Wehrmen, he procured the banishment of his rival, Cingetorix, and the confiscation of his property; and, the Senones and Carnutes having already commenced, and the Nervii and Aduatici being prepared to renew the war, it was resolved to march through the land of the Remi in order to join the insurgent, Senones; but first, to make another attempt upon the camp of Labienus, which lay at no great distance from his route.

Labienus had been apprised of the resolutions of the Treviri by Cingetorix, and his fugitive adherents, and lost no time in collecting within his camp, from the neighbouring towns, as many Remish horse as possible. He had no fear for his own safety, for his camp was too strong by nature, and too carefully fortified to be accessible to attack; but he was not without hope of being able to strike a blow on the barbarians; and he resolved to practise upon In-

Induciomar the same stratagem which Cæsar had used so successfully with the Nervii at Bagacum. The fortress was beset by the Treviri; the Romans kept themselves closely within its walls, as if they were apprehensive of risking a battle; and, when the besiegers had become confident, and careless, the legate suddenly threw open its gates, and the whole body of horse sallied forth, with orders to strike at no one but Induciomar, for whose head a large reward was offered. The Treviri, surprised by so unexpected a force, fled: Induciomar, in attempting to rally them, was overtaken at a ford on the Maas and slain, and his head was brought to Labienus. Surely there is little that is glorious in such a species of warfare; but it is, at least, a proud testimony to the character and talents of Induciomar. It is the highest praise, that so much was ascribed to the genius of a single man; that the lords of the world stooped to something like assassination in order to rid themselves of his hostility. The death of Induciomar broke up the confederacy; the Eburones and Nervii, who had assembled to co-operate with the Treviri, dispersed; and after that, says Cæsar, Gaul was a little more quiet.

The Treviri, notwithstanding, did not abandon the war. The relatives of Induciomar, who had succeeded to his authority, were burning for revenge for his death; and a new league was entered into with Ambiorich, which was joined by the Menapii, the Nervii, the Aduatici, and almost all the Belgian states which lay in the vicinity of the Rhine. Cæsar had obtained, through the favour of Cneius Pompeius, considerable reinforcements of troops from Italy; and he felt the necessity of demonstrating, by the vigour of his operations, the superior might and ascendancy of the Roman arms. In the first months of the year 53 B.C., ere the winter was over, he broke suddenly, at the head of four legions, into the land of the Nervii, captured a great number of prisoners, and the herds which they had not time to secure, gave the whole country up to fire and sword, and compelled the Nervii to a new submission. The troops being again placed in their quarters, he soon afterwards called an assembly of the Gallic states, at Paris, which was at no great distance from the confines of the Senones. The Treviri, Carnutes, and Senones, not appearing at the council, he declared their absence was an open feud; and, on the same day, proceeded, by forced marches, against the Senones. The Senones, so suddenly fallen upon, had no resource but submission. By the mediation of Ædui, they were received to grace; Acco, the hero of liberty, was put to death by a judicial murder; the Carnutes were also reconciled, through the intercession of the Remi; and Cæsar was then at liberty to fix his whole soul upon the contest with the Treviri and

Ambiorich. An hospitium had been established between Ambiorich and the Menapii, who were the next neighbours of the Eburones. The Menapii alone, esteeming themselves secure in the vastness of their woods and morasses, had sent no supplicatory embassy for peace to Cæsar, who resolved that his next object should be to cut off from Ambiorich all support from that quarter, and from the Rhine. Sending his heavy baggage to Labienus, whom he strengthened with two additional legions, and taking with him the Senonian horse and the summer-king, Cavarinus, that no occasion of civil discord might again arise at Sens, he began, with five legions, to march towards the north. Having divided his force into three bodies, over two of which he placed the questor, Crassus, and the legate, Fabius, and hastily prepared the necessary bridges, he began the work of burning the villages and other buildings of the Menapii, surprised a vast quantity of cattle and prisoners; and the Menapii, unprepared for resistance, were fain to sue for peace. Cæsar received their ambassadors in his camp; granted them terms without much difficulty; but warned them they must expect to find him in the number of their enemies, in case they ever received Ambiorich, or his messengers, within their territory. Having left Commius, an Atrebatan, with a strong body of horse, as guard over the Menapii, he turned his face towards the Treviri.

The heads of the house of Induciomar had incessantly endeavoured, by bribes and promises, to draw auxiliaries from beyond the Rhine. Repulsed by the states nearest to the river, their ambassadors proceeded further into the country, and some distant tribes were at length found, who agreed to cross over into Gaul, on receiving hostages from the Treviri for the fulfilment of the conditions of the treaty. While Cæsar was occupied by the war with the Menapii, the Treviri resolved again to attack Labienus. They were within two marches of his camp, when they received information of the arrival of the two additional legions, and resolved, in consequence, to encamp and await the coming of their German auxiliaries, whose arrival they expected daily. Labienus, aware of their design, and hoping to gain from their temerity a favourable opportunity of giving battle, left his fortress under the guard of five cohorts, and, advancing with twenty-five cohorts and a strong body of horse, pitched his camp within a mile of them, though there was a river with precipitate banks between them, which he had no intention to pass himself, nor did he think the enemy would attempt to cross it. It was known that the Germans were hourly expected. In a council of war held in the evening, in the Roman camp, the impolicy of risking a battle, with such a prospect, was intentionally discussed; and it was agreed to retreat again on the following morning. Labienus knew

that the intelligence of the resolution would be conveyed, by the Gallic leaders in his army, to the Treviri, and he ordered the tents to be struck early in the morning with a noise and tumult little usual in a Roman camp, and so impressed upon the barbarians the belief that he contemplated a hasty flight. Fearful the prey might escape them, the Treviri hesitated no longer to pass the river and to fight at disadvantage; and no sooner was Labienus, who had sent his baggage a little in the rear, and had begun himself slowly to retire, satisfied that the whole were passed over, than he gave the signal to face about, and a vigorous charge from the horse threw the enemy into disorder. It was impossible for the Treviri, in the position in which they were—on a declivity between the river and the Romans—to make head against them; they fled in confusion, in the hope of sheltering themselves in the woods; but numbers were slain,—numbers made prisoners by the horse of Labienus; it was a complete dispersion and ruin of the party; and, in a few days afterwards, Treves opened its gates to the conqueror. The Germans, who had crossed the Rhine to the aid of the Treviri, decamped hastily into their own country, on receiving the news of the catastrophe; and the adherents of Induciomar, aware that Treves was no longer a place for them, abandoned their homes, and went with them into exile. Labienus held possession of Treves, and Cingetorix, the son-in-law and rival of Induciomar, who had constantly continued firm in his duty to Rome, was installed into the chief authority of the state. (Cæsar, *Bell. Gall.*, v. 53—58; and vi. 2—8.)

The popular cause being thus ruined, and Roman influence paramount in Treves, at the period of Cæsar's arrival in the city, he determined to pass the Rhine for the second time; partly with the view of punishing the Germans, who had been so bold as to send auxiliaries against him, but still more to cut off from Ambiorich the possibility of finding an asylum beyond the river. He threw a bridge over the stream, a little above the place of his former passage, strengthening it on the Trevirese bank with a formidable garrison, to secure it from the consequences of any sudden sedition, and, with the rest of his disposable force, passed over into Germany. His coming raised general apprehension among the peoples on the right border of the river, and many ambassadors appeared in his camp; among the first of whom were those of the Ubii, who protested that none of their Wehrmen had gone to the aid of the Treviri; that their fidelity to the Romans had never been broken; and begged that the innocent might not be confounded with the guilty in his general displeasure at, and punishment of, the Germans. Cæsar, having made particular enquiries, satisfied himself

that it was from the Suevi that the auxiliary force had been sent across the Rhine, thought well to accept the submission of the Ubii, and entrusted to them the charge of making out the position of the Suevi, and the approach and ways to their country. After the lapse of a few days, he was informed by the Ubii that the Suevi were gathering together their whole force, and that of their allies, in a certain rendezvous. Anticipating an attack from them, he began to collect supplies of food and forage, and selected a convenient spot for an entrenched camp; at the same time directing the Ubii to secure their cattle, and bring their property, of every kind, from the open fields into their fortresses, in the hope of bringing the wild and ungovernable people, when straitened for provisions, to battle at disadvantage. A few days later, the spies, whom he directed to watch the motions of the Suevi, apprised him that as soon as that people had certain intelligence of the passage of the Roman army, they had withdrawn, with their allies, to the bounds of an enormous wold, called Bacenis, which lay on the verge of their dominions, and which, being of vast extent, served as a natural wall betwixt themselves and the Cherusicans, restraining both nations from mutual injury. There they awaited the coming of the Romans. It was obvious that nothing could be done, at the present juncture, with the Suevi; and fearing, from the habits of the Germans, who cultivate little corn, that the army might suffer from a dearth of provision, he made up his mind to proceed no further into the country, and retired again into Gaul. He is silent with respect to the length of his stay in Germany on this second visit, and the nature of his employment during his abode beyond the river; but it may be presumed that, though the main object of his expedition failed, his time was occupied by enquiries with regard to the nature of the country, its productions, and its peoples; and he takes occasion to draw an instructive and interesting parallel between the customs of Gaul and Germany.

In order to impress upon the barbarians an apprehension that he intended to return—which he judged would operate as a check upon their crossing the river or engaging in alliances with the insurgent Belgians—Cæsar resolved, on his departure into Gaul, to leave the bridge standing, with the exception of about two hundred feet on the Ubian side of the river, which he broke down, and fortified its approach on the Gallic border with a tower consisting of four stories. Here he placed a garrison of twelve cohorts, to keep guard over the bridge; supplied it plentifully with magazines of provisions, and placed it under the command of a young soldier, called C. Volcatius Tullus. Having thus done his utmost to cut off all support from Germany, he hastened himself, about the be-

ginning of the harvest, after a greater object—the capture or death of Ambiorix. Ambiorix was at that time dwelling, according to Cæsar's information, in one of his country houses—probably a kind of hunting lodge—in the depths of the Ardennes forest, at that time the greatest of the Gallic forests, which extended for more than two hundred Roman miles, from the banks of the Rhine and the boundaries of the Treviri to the verge of the country of the Nervii. He sent forward L. Minutius Basilus, with all the horse, and the strongest injunctions to suffer no fires in his camp, nor any thing which might betray his approach, in the hope of surrounding the dwelling in the woods before Ambiorix should have time to effect his escape. Basilus executed his orders with punctuality; performed the journey in less space of time than was conceivable; and, having seized some Bauers who were accidentally in the fields, compelled them to direct them to the house where Ambiorix, with a few horse, was said to be residing. It was by the greatest good fortune that Ambiorix escaped death; for Basilus effected his march without observation, without information being given of his approach, or alarm of any kind given; he even possessed himself of the arms, horses, and chariots. But it happened that the house was surrounded by a wood—as is often the custom among the Germans, who, in the heats of summer, love the shade of trees and the coolness of a stream—and the friends of Ambiorix held the Romans at bay in a narrow pass, while one of them mounted him on horseback, and the thickness of the woods secured him from pursuit. Once in security, he put forth the melancholy announcement to his people, that the time was unfavourable for resistance, and he desired every man to consult his own safety. Some concealed themselves in the forests, some amid the marshes; others fled to the sea coast; and many abandoned their country, and sought refuge for themselves and their families among strangers. Cativolcus, the prince of the Eburones, too old to undergo the fatigues of resistance or emigration, perished by his own hand, imprecating curses upon Ambiorix, on whose pernicious counsels he charged the ruin of his country.

In his representation of the abhorrence in which Ambiorix was held by his countrymen, Cæsar speaks his own feelings, rather than those of the Eburones. Notwithstanding the general suffering, Ambiorix was universally beloved; and history furnishes few examples of greater constancy and devotion than was shewn by these rude and miserable Germans. In all the extremities of his wandering life, he found everywhere support and shelter. They hid him, at the risk of their lives, in their forests, from the hot pursuit of the Romans; shared with him whatever rapine had left them;

and died rather than betray him. It was a hunt after his life. Many a time were the Romans upon his traces; often seen—sometimes with no more than three or four horsemen—he still evaded his pursuers; and Cæsar, who placed much upon his capture, was stung to unaccustomed impatience by his escape. After the failure of the attempt in the Ardennes, the Roman general divided his army into three divisions, in order to course the land in every direction. He, himself, with three legions, undertook to foray in the direction of the Scheldt, and in the western part of the Ardennes forest, in quest of Ambiorix, with the intention of returning in seven days. He found nowhere an enemy to oppose him; neither town nor fort which might serve for resistance, but the very ground seemed hostile. In every valley—in every wood—even in every thicket—lay armed men, embittered by suffering and excited by the hope of vengeance, on the watch to cut off stragglers; and the soldier who quitted the camp was lost. There was no skill, says Cæsar, required in the conduct of the army, as a whole; the difficulty was the protection of single soldiers, whom it was impossible to restrain from wandering in search of booty. This system of warfare perplexed and irritated Cæsar, and he resolved to extirpate the race and very name of the Eburones. With the view of alluring, by the prospect of gain, the Gallic tribes, who, by habit, were more fitted for wood-fighting than the Roman legionaries, he publicly offered the property of the Eburones to all who would take part in hunting them down; and the report that that people were to be annihilated, and that all who chose were invited to the spoil, was industriously circulated, even beyond the Rhine. Crowds of the Gallic tribes availed themselves of the occasion, and, if Cæsar is to be believed, two thousand Sigambri crossed the Rhine, about thirty miles below the bridge, to obtain a share in the plunder. Entering the territory of the Eburones, these barbarians fell in with numbers of that people as they were hastening away with their effects, and succeeded in surprising a quantity of cattle which they were driving off, of which the Germans are most greedy. Enquiring of the captives respecting Cæsar's movements, they learned that he was absent on a foray with the greater part of his army, and one of the Eburones said:—"Why concern yourselves with such pitiful and miserable booty as ours, when, in three hours, you may reach Aduataca, wherein the Romans have deposited all their treasure—all the plunder of the country? The garrison is so weak, that no one dare stir out of the fortress!" The temptation of surprising the fort, in which Cæsar had left his baggage and treasure, and which he had made his head quarters, was not to be withstood by the Sigambri; who, after concealing their booty in the woods,

determined to make the attempt. Cicero, who commanded the fortress, had, in obedience to Cæsar's orders, for six days kept the gates closed, and no one was suffered to go out; but, on the seventh, persuaded by the impatient desires of the soldiers, and thinking that danger, in the prosperous position of Roman affairs, was impossible, he had permitted no inconsiderable portion of the garrison to go abroad, to cut down, and bring in, the corn in the vicinity. At that very instant, the German horsemen appeared before Aduataca, and rode up to the principal gate, which they were within an ace of mastering. The whole fortress was in tumult. Some cried out that the fortress was taken; others inferred that Cæsar and the army had been destroyed, and that the victorious barbarians were come to the slaughter; while many, with the fate of Cotta and Titurius before their eyes, tormented themselves with the omens of a similar misfortune. Things were in this position when the foragers returned towards the camp. The Germans mistook them, at first, for Cæsar's army; but, having found out their mistake, from the smallness of their numbers, commenced an assault upon them; and, though a small part of them succeeded in breaking through into the fortress, the greater number perished. The same evening Cæsar returned, unexpectedly, to the camp, to the unbounded joy of the Romans; and the Sigambri, who had probably received intelligence of his approach, decamped into their own country. Cæsar complained, with justice, of the disobedience to his orders, and of the neglect of all reasonable precautions; at the same time, marvelling, not a little, that the very people whom he had invited to ravage the country of Ambiorix, had turned their raid into a benefit to him, and into the greatest possible injury to the Romans. But still the devastation went on. Cæsar again left the camp, with the enormous bands of freebooters which he had collected, to complete the work of havoc and destruction. "Every village," he tells us, "every habitation which could be seen, was given to the flames; all cattle, all living animals were driven off; the corn which could not be used by the hordes of spoilers was burnt, in order that, in winter, after the Romans were withdrawn, the wretches who were concealed in the woods might die of cold and hunger." There was no grace proffered, there was no grace asked; the people perished sullenly and silently. The green vallies of the Vesdre and the Maas were black with brand and ruin; the Dorfs were silent, which had been glad with the sound of children's voices. It was a solitude for peace. (Cæsar, *Bell. Gall.*, vi. 9—48.)

The downfall of the Eburones terminated the long struggle of the Belgian Germans to preserve their independence. Partial outbreaks occasionally occurred, Ambiorix and his expatriated country-

men were frequently troublesome, and some of the Belgians were found among the allies of the Gauls in their future contests with the Romans, but there was an end of all national resistance; and the people, however they might cherish the remembrance of their ancient freedom, resigned themselves, by degrees, to a final and hopeless subjugation. The remainder of Cæsar's administration in Gaul, the term of which had been prolonged by the Senate for five years further, was taken up by the insurrection of the Gauls. Cæsar makes frequent allusions, throughout his work, to the volatile character of the Celtic race; their levity, their fickleness, their rash resolutions, and love of change, are the frequent subject of his animadversions; and he seems never to have reposed the same confidence in them, which he gave to his more constant enemies, the Germans. (Cæsar, *Bell. Gall.*, vii. 1—83.) Perhaps, the natural impatience of a high-spirited people under a foreign yoke was, in some degree, the cause of these somewhat peevish animadversions. Cæsar appears to have considered the restlessness of the Gauls as a species of unthankfulness; as if there were ought in Roman government to make servitude grateful, or to entitle it to the unshaken fidelity of mankind!

The secret agitation of the Celtic States appears to have had no remission during the whole of Cæsar's government; but it was not until the year 52 B. C. that the smouldering fire broke out into an open flame. The war with Vercingetorix was one of the most formidable which the Roman general had ever engaged in, and required all his skill and power to bring it to a successful issue: for Vercingetorix (Cæsar, *Bell. Gall.*, vii. 1—83) maintained himself with a courage and constancy little akin to levity, shrank neither from sacrifice nor bloodshed, and even employed means to obtain his ends, which savour somewhat of the cruelty which Voltaire, eighteen centuries afterwards, attributed to the national character. It is beyond the present object to describe the course of this contest, but it may be observed, that, as we are accustomed to expect from the Gallic temperament something of sentimental, sometimes, perhaps, theatrical elevation, so we are not surprised at the display which attended its termination. Vercingetorix, after all was lost, repaired alone to the camp of Cæsar, gave up his horse, and threw down his arms at his feet. "*Take them,*" he exclaimed (if the speech is not merely one of Florus's sounding phrases), "*fortem virum, vir fortissime, vicisti.*"

Though resistance did not altogether cease among the Gauls, yet every prospect of success vanished with the submission of Vercingetorix. Casual and unconnected risings were easily put down by Cæsar and his legates; and, in the year 50 B. C., there

was not a single nation, within the boundaries of Gaul, which ventured to dispute the supremacy of Rome; though, in the northern provinces, bands of fugitives and outlaws still sheltered themselves for a time in the forests and morasses. Gaul being thus *pacified*, Cæsar prepared to depart for Italy, to embark in the momentous struggle which was to decide the empire of the civilized world; yet, before his departure, he made another raid into the land of the Eburones, in the hope of laying hands upon Ambiorix. Many of the outlaws were put to death; whatever could be found untouched by former ravages, whatever had been attempted in the way of restoration, was levelled; that the memory of the man who had been the cause of these calamities might be a curse for ever in the mouths of the Germans. (Hertius, *Bell. Gall.*, viii. 24, 25.)

This was almost his last exploit. Cæsar had been nine years in Gaul; more than four hundred thousand men in arms had fallen, according to the statement of Paterculus, beneath his sword. The number is, doubtless, greatly understated; and yet those who were slain in battle formed but an inconsiderable proportion of the multitudes of human beings which had perished; for the Germans, in their migrations into Gaul, brought with them their whole families; and, when the men had fallen, there appears to have been no sparing of helpless women and children. Such a thing seems never for a moment to have been thought of by the Roman soldiery. Cæsar himself tells us, that when the Helvetii quitted their country, they were 368,000 souls; of whom only 110,000 returned. How many of the Suevi fell, we know not: it is improbable that any considerable number recrossed the Rhine; and yet we know that their families were in their camp, for the women implored the warriors not to suffer them to fall into the hands of the Romans, and the two wives and a daughter of Ariovistus perished in the flight. Of the Usipites and Tenchteri, 430,000 crossed the Rhine; how many of them saw their own country again? Among the Belgian Germans, 60,000 Nervii fell in battle; 53,000 Aduatici, the remnant of the fight, were sold by public auction. The horrible extermination of the Eburones has been detailed from Cæsar's own relation; but the number of the victims is unknown; and what took place among the Menapii, the Morini, and the other nations of Gaul, may be inferred from the expression that "the approach of the Roman army was announced by the smoke of burning habitations." Such was Roman warfare under the greatest and most refined of Roman commanders; such the progress of the power to which the world and posterity were to look for civilization! Yet Cæsar was not cruel. He took no pleasure in the infliction of pain. Unlike the greater number of

the Romans, he had no delight in, he was merely indifferent to, bloodshed; and, perhaps, never committed a devastation under the influence of passion or revenge. His thoughts—his whole soul—were bent upon the future, upon the acquisition of solid advantages. Cool, prudent, calculating, conscious of mental power, without passion, without religion, he was indeed careless of blood in the attainment of his ends: his very ravages were the result of calculation. His work is the reflection of his mind. There is in it the same cold and naked clearness; the same calm ascendancy of spirit; the same astonishing indifference to life and suffering. It is the production of a master genius—bearing the impress of power, ease, and almost imperial simplicity of style; but it never breathes a generous sentiment, or pity for human misery.

CHAPTER III.

Drusus.

MORE than twenty years had passed away from the day of Cæsar's departure from Gaul, (B.C. 29.) when his adopted son, Caius Octavius, who, in accordance with the custom of the Romans in cases of adoption, had assumed the name of Caius Julius Cæsar Octavianus, celebrated his victories over his rivals, and the termination of the civil war, by a three days' triumph at Rome. The poets are lavish in their descriptions of the magnificence of the almost forgotten pageant. Long lines of captives, of various speech and habit; dwellers by the Euphrates, and dwellers by the Rhine; shepherds from Scythia and Morini, "the last of mankind," were brought together to enhance its splendour; and, if we may credit the flatterer, Paterculus (Paterc., ii. 89—1), there was no blessing which could be given by the gods, no felicity which could be desired by man, no happiness which could be imagined or enjoyed, which the triumph of Augustus did not provide for the Roman people. Rome was now weary of civil war. Most of the actors in the great world-conflict had been swept away; a new generation, with new thoughts, principles, and habits, was appearing upon the scene; and everything concurred to favour the secret desires of the prudent and fortunate conqueror, and confer upon him the widest empire which mankind had ever beheld.

During the long tempest of civil dissension, the tide of war had rolled towards the East, to Africa and to Spain; while Gaul and the German borders had been left in comparative peace and obscurity; and, amid the multiplicity of great events which engrossed the attention of historians, few references to Germany are to be found in the annals of the times beyond casual encomiums upon the courage and services of those of her warriors who were serving in

the ranks of the Julian party, to whose valour Pharsalia itself was ascribed. In Germany, the occurrences deserving record would seem, from the meagreness of Roman writers, to have been neither numerous nor important. The most remarkable of them is the removal of the Ubii to the left bank of the Rhine, 37 B.C., by Marcus Vipsanius Agrippa, the lieutenant of Augustus, to whom the Gallic province had been assigned on the formation of the second triumvirate. Whether the Ubii were so pressed by their hereditary enemies, the Suevi, as to render their continuance in their ancient home impossible, or whether they were removed by Agrippa with the view of forming a bulwark on the left bank against the irruptions of the Ligambi, we know that their transmigration was voluntary, that Agrippa himself crossed the river to superintend and protect the removal of their families and property; and, in the year 35 B.C., laid the first foundation of the town or fortress of the Ubii, which afterwards became so famous as the city of Cologne. (Dio, *xlvi.*, *xlix.*; Strabo, *iv.* 3.) The northern portion of the district abandoned by the Ubii was taken possession of by the Sigambri, while a tribe of Chatti came down from Hesse and settled on the borders of the Main. It does not appear that the Romans interfered greatly with these movements beyond the Rhine; though some collision with the German tribes must have taken place, inasmuch as Carinas, who, after the departure of Agrippa, obtained the command in Gaul, was permitted to take part in the great triumph of Augustus, and German captives appeared in the procession. Commotions seem also to have arisen among the Treviri, which were speedily repressed by Nonnius Gallus, the successor of Carinas; but, upon the whole, affairs continued in tolerable tranquillity, and Gaul became, by degrees, an integral portion of the Roman empire. (Dio, *li.* 20, 21.)

When Augustus—such was the name which, together with the titles of “Dictator perpetuus” and “Pater Patriæ,” the obsequious Senate, after long and earnest deliberation, conferred upon Cæsar Octavianus—divided the provinces between that body and himself, Gaul, being a frontier country, exposed on the east and north to the incursions of the Germans, was one of the most important which fell to his share, as Imperator. For the principle on which the partition was effected was, that those provinces which, from their frontier position, required military protection, should be placed under the Imperator; while the peaceful internal districts were left to the administration of the Senate.

The specious arrangement secured an actual sovereignty to the Imperator, for the master of the legions must inevitably be master of the state; and, while he assumed the semblance of taking upon

himself the troubles and dangers of government, as the servant of the Commonwealth, he became, in fact, its ruler; and yet avoided the appearance of infringing the forms of law. The provincial administration which thus fell upon Augustus, naturally, after the long irregularities of the civil war, brought with it weighty cares; but none seemed more urgent, with the view to the convenience of government, and a regular system of taxation, than a new and systematic division of the Gallic provinces; and he repaired in person to Gaul, in order to carry into effect a plan of organization by which Gaul should be moulded into a permanent portion of the Roman empire. (Livius, *Epit.* 134; Dio, *liii.*) The tracts lying along the left bank of the Rhine, he divided into two provinces; to which, apparently out of consideration of the race of their inhabitants, who were all of German speech and origin, he gave the names of Superior and Inferior Germany. The Superior Germany extended from the limits of the Sequani, near Colmar and Brisach, to the boundaries of the Ubii, on the Ahr, including the Tribochi, Nemetes, and Vangiones, as well as that portion of the Treviri which dwelt most contiguously to the Rhine. Germania Inferior extended from the Ahr to the ocean, and included the Ubii, Tungri, Menapii, Taxandri, Batavi, and Caninefates. In each of these provinces four legions were stationed; keeping, at the same time, Gaul in obedience, and checking those expeditions and forays over the river into Gaul, to which the Germans on the right bank had been, time out of mind, accustomed. With regard to the Belgian states, various rules, following their various circumstances, were laid down. Some, as was the case with the greater part of the Celtic population, became at once Roman subjects; others, as the Remi, who had preserved an unshaken fidelity to Rome, were honoured with the title of "Fœderati;" while others, as the Belleraci, were allowed to call themselves free states, but, in fact, were dependant on the Roman republic. When these manifold arrangements were completed in Gaul, Augustus betook himself, with similar intentions, into Spain, in both which countries he is said to have founded numerous Roman colonies; among which, perhaps, may be reckoned, Augusta Trevirorum (Treves), Augusta Vangionum (Worms), and Augusta Nemetum (Speyer); and, during his absence, an outbreak of the Sigambri across the Rhine, under their Adeling or Prince Melo, was chastised by Marcus Vinicius, his lieutenant. The history of that remote period is naturally obscure, imperfect, and confused. The cause of the dissension between the Roman governor and the Germans was, according to Dio, the murder of some Roman traders, in the land of the latter people. Strabo alone particularises the Sigambri; but no historian enters

into particulars respecting a war which conferred, for the eighth time, the title of Imperator on Augustus. If the object of the Roman general was to punish the Sigambri for outrages committed in their territory upon Roman citizens, it might be expected that he would cross the river; but no passage of the river, by the Romans, appears to have taken place; and Strabo distinctly asserts, that it was Melo, and the Sigambri, who were the aggressors. Whatever be the truth, the memory of these petty conflicts was speedily effaced by more important occurrences. (Dio. liii. 26.)

The wild and restless peoples of the Rhætian Alps, dwelling eastward of the Furca ridge, by which the waters of the Rhone, and the waters of the Rhine, are separated, had never yet been subdued by Rome. There was a time when the Tusci spread from the Alps to the Tiber, and the Rhæti were said to be of Etruscan origin, though the period when they quitted the fair and fertile Italian plains is unknown; and the cause of their emigration, the invasion of their country by the Gauls, is no more than a dateless tradition. The Rhæti had lost every trace of Tuscan refinement; their habits had become as savage as the land of their adoption; yet, as the emigrant in all ages fondly endeavours to perpetuate, in other climes, the memory of his birthplace, so, though the sciences and arts of Etruria had been long forgotten, the mountain settlements of the Rhæti were not without reminiscences of Italy; and the names of Ardea, Lavinium, and Falisci, may still be traced in the recesses of the Alps. The inhabitants of the Alpine valleys had little, beyond their names, to remind them, in these chill regions, of a happier climate. Their ten months' winters, and their brief and burning summers, left them nothing which could excite the cupidity of Rome; yet their geographical position between Italy, Macedonia, and Gaul, rendered the continuance of their independence inconvenient, if not dangerous, to the growing greatness of the Roman empire. Augustus himself had already, 84 B.C., led his legions from Illyria and Dalmatia, with the determination of bringing them into subjection, but found a desperate resistance; and, at Mitulum, described by Dio as the chief place of the Japydes, a tribe dwelling in the mountain region, about the source of the Kulpa, betwixt the Savi and the Adriatic—only his own decision, though he was wounded in the shoulder, saved the Roman army from defeat. The barbarian warriors perished in the battle; the aged, the women, and the children, in the flames of their habitations; and the few who survived sought, from their own hands, a last retreat from the insolence of the victors. From the Japydes, Augustus proceeded onwards, through the Alps, and thence descended to the Danube, with the intention of adding

Rhætia and Vindelicia to the Roman republic. The Rhæti, among whose ancient tribes may be traced names familiar to us, as, the Brenni, dwelling about the Brenner (Horat. Od., iv. 14), and the Brixentes in Brixen, inhabited the Alpine country (now forming the Grisons, the Engadin, and the Tyrol) of which the mountain range, bounding the valley of the Rhine, from the Bodensee to the Furca was the western, the Piave the eastern boundary; a line drawn from Bregentz along the Vorarlberg to the Inn, divided it from Vindelicia, which stretched north of Rhætia, along the bank of the Danube, from Brigobanne (Beyern) as far as the embouchure of the Inn. In this fertile province, traversed by the Lech, the Isar, and the Inn, the Romans founded some of the most celebrated cities of Germany: Alciuoënnis, now Ulm, Regina Castra—Regensburg, Batavia Castra—Passau, and Augusta Vindeliciorum—Augsburg, the capital.

The conquest of these provinces was still incomplete, when Augustus was called away to the final struggle with Antonius, and affairs remained there in a somewhat equivocal position until the period of his absence in Gaul and Spain, when the oppression of the Salassi, a little people dwelling in the Val d'Aosta, between the Cottian and the Graian Alps, in the nook formed by the greater and less St. Bernard, and Mont Blanc, by Terentius Varro, the legate of Augustus, roused the whole mountain country to arms. The Salassi, like all the wild and uncivilized tribes of the Alpine districts, had been guilty of predatory practices, but had submitted themselves to Varro; and a trifling tribute had been imposed upon them as a penalty for their delinquencies, with which, not uncontented, they had dispersed to their homes; but, so soon as they had separated, Varro laid his hands upon all the men—36,000 in number—and sold them as slaves at Eporedia, now Ivrea, with the malignant condition that none should be manumitted within the term of twenty years. This occurrence took place in the year of the city 738, B.C. 16. The atrocious treachery of Varro excited, as well it might, unbounded indignation and horror among the other Alpine tribes, of which many took up arms to avenge the cruelty perpetrated upon their brethren, and the example was followed by all who desired to deliver their country from the Roman yoke. The flame spread from Rhætia to Vindelicia; to Noricum, and even to Pannonia, to the inhabitants of which provinces the Romans were alike hateful; but, after a long and murderous conflict, the two latter provinces were again brought to a restless and precarious submission; and the charge of finishing the war, which still continued in Vindelicia and in the Rhætian Alps, was committed to Tiberius and Drusus, the step-

sens of Augustus. Drusus advanced with a powerful army to the valley of the Adige, in quest of the barbarian host, came up with them, and defeated them near Trent; and the survivors, dreading to await the approach of the Romans, retreated towards the west, apparently with the intention of breaking into Gaul. On that side, Tiberius, the elder brother of Drusus, was on the way to meet them; and the Rhetians and Vindelicians, seeing every way nothing but difficulties and danger, retired again towards their own mountainous country. Tiberius, by the help of the shipping of the Helvetii, followed them over the lake of Constanx, defeated them upon the lake, and then pursued them to the Lech. Drusus, from the other side, was driving them from valley to valley, and from rock to rock, till at last, straitened in every direction, cut off from the possibility of agress, and yet disdaining to submit, they prepared to die upon their own ground. Wives fought by the side of their husbands; mothers, hopeless of salvation or mercy, dashed their babes in the teeth of the Roman soldiers, and the greater number, warriors and women, without distinction, were massacred. And, inasmuch as the Rhetians were a numerous and warlike race, the Romans resolved to leave upon the soil no more men than were absolutely required for its cultivation, and carried off, not only those who survived the battle, but most of those who could be found in the land, so that few remained in Vindelicia and Rhetia, except old men, women, and children, too young to remember the ancient liberty of their country; and those were reduced to the condition of serfs, to till the ground for the conqueror. And now there were no more Alps, the Danube became the boundary of the Roman Empire; camps and colonies were founded on its banks, and peopled with Roman settlers. Soon after the commencement of the Alpine war, in the year B.C. 16, Augustus had been called suddenly into Gaul, by an unexpected disgrace which had befallen the Roman arms on the Rhine, and which, in the threatening position of affairs in Rhetia and Vindelicia, might have produced evil consequences. Marcus Lollius, according to Vellerius, a cunning hypocrite, fonder of money than of justice, had been entrusted with the command in Roman Germany, and had sustained a defeat, and the loss of the eagle of the fifth legion, in an irruption of the Sigambri, Usipetes, and Teuchteri. Whether the attack, as might be inferred from the censure of Paternulus, was provoked by Lollius, or whether, as Dio states, the barbarians seized and put to death some Romans who had been sent across the river, some suppose as tribute gatherers, others as spies—probably they might serve both capacities—and then proceeded to follow up this violence by a foray, is now of little moment. The defeat was rather a

disgrace than a loss; for the barbarians retired, on the approach of Augustus, and the peace with them was renewed. Augustus, however, was accompanied in this journey by the fair Terentia, the wife of Mæcenas, and found it necessary, in order to watch over circumstances, or made the necessity a pretext, for remaining in Gaul during the continuance of the Alpine war; and when the necessity was passed, and the Roman colonies in Gaul and Spain had been inspected, he entrusted, on his departure to Rome, those provinces, and the defence of the Rhine, to Drusus; while Tiberius received the command of the new conquests between the Danube and Italy, whither he repaired, that he might be ready to suppress the first symptoms of revolt which might arise among the hardly-subdued population. The emperor himself returned to Rome to celebrate his victories, in the year 13 B.C.; and a triumphal arch at Cimelium, whose remains may yet be seen by the hamlet Turbie, not far from Nizza, told the world that, under his government and auspices, forty-six nations in the Alps, from the Adriatic to the Tyrrhenian Seas, had been subdued, and added to the Roman empire.

Drusus was the son of Tiberius Claudius Nero, and of Livia, afterwards the wife of Augustus. Livia was the daughter of Drusus Claudianus; she had been married to Nero, and at her own desire, while her eldest son, Tiberius, was three years old, and Drusus was yet unborn; had been divorced by the obsequious husband, for the purpose of enabling her to contract a more auspicious marriage. Drusus was born, in the house of Augustus, three months after his marriage with Livia; and in Rome, where, according to Tacitus, vice was a jest, and corruption fashion, the parentage of Drusus was the subject of many a pleasantry, for Augustus did not avoid the suspicion of having a nearer interest in Drusus than could be conferred by marriage with the mother. The children of Livia were carefully educated by Augustus, and early inured to the service of the State. Drusus was only twenty-five years old when the command on the Rhine was entrusted to him. More generally popular with the Roman people than his brother, Tiberius (*Frater ejus, Drusus, prosperiore civium amore erat*, Tac. Ann., vi. 51), he yet displayed, with their courage and their talents, something of the haughtiness of the proud and detested Claudian family, from which, by both parents, he was descended; but he was adored by the soldiery, whom he led to enterprises which rivalled those of Cæsar in their strangeness and their success. Already had he acquired the glory of being the conqueror of the Alps, and he now meditated a greater and far more difficult enterprise, the conquest of Germany. It has been said that Augustus consented with reluctance to the gratification

of Drusus' passion for glory; but Florus states, on the contrary, that Augustus himself was ambitious of creating a Roman province in honour of his divine predecessor, Julius, in the country which had been twice traversed by his arms; and though, towards the close of his days, more moderate counsels—the lessons of experience and misfortune—predominated, there seems every reason to believe that the conquest of Germany was undertaken with his entire concurrence. And, at that period, perhaps, such a war was not impolitic. It was consonant with the policy of Rome, which began to aspire to the dominion of the world; it was necessary, in the new established order of things, to keep the legions in constant occupation; it was desirable to dazzle the Roman populace with the constant glare of victory and glory; and it would, apparently, require a less expense of men and treasure to hold the country in subjection than was requisite for keeping guard on the Danube, and on the Rhine. The Roman empire was now brought into contact with Germany on the south and east; and the uninterrupted series of inquiries which, since Cæsar's day, had been carried on with regard to the land and its inhabitants, shew that the intention of its subjugation was never absent from the minds of the Roman rulers. Nor would the undertaking, to judge from the experience of the Gallic conquest, appear to be one of insuperable difficulty; for Germany, like Gaul, was divided among an almost infinite number of independent states, generally at strife with one another; and it required no extraordinary political sagacity to know that where there is division, conquest is half achieved. Domestic rancour converts half the population into allies of the invader; and Germany was then split into so many factions and interests, that nothing but the appearance of a national hero—an event at that time little to be apprehended or foreseen—could make an approach to national union possible.

That part of Germany lying between the Rhine, the Main, and the Danube was inhabited by Suevi, a race of which we hear much in the Roman writers, from the war of King Ehrenvest, downwards, and these Suevi appear to have been, at all times, a terror to the Belgian Germans as well as to the Istævonic tribes, lying lower down on the right bank of the river. Cæsar (*Bell. Gall.*, xxxvii.) speaks of the hundred Pagi of the Suevi, but, at the same time, describes them as a people distinct from the Marcomanni, whereas Tacitus (*Germ.*, xxxviii.) more correctly states that the term "Suevi" was a collective one, including many nations. If we were to judge from the analogy of the unions of Northern Germany, and from that of the later union of the Alemanni, upon the same ground, we should take this ancient Suevic race to have

been a federative union of many nations, an independent *Gaus*—the *Pagi* of *Cæsar*. Possibly, too, the *Marcomanni* were not originally a people, but the *Mark-men*—those to whom the defence of the *Mark*, or border, was entrusted, though the term was afterwards applied, and limited to that portion of the *Suevic* nations which dwelt on the *Mark*, and retired, with *Marbod*, from the vicinity of the *Rhine* into *Bohemia*. The supposition is strengthened, in some degree, by the testimony of *Cæsar* (*Bell. Gall.* iv. 1), who says, that, while a portion of the male population were in arms to defend the frontier, or to prosecute their military enterprises, the other part remained at home in order to till the earth (and their agriculture consisted chiefly in grazing), and thus provide food for themselves and their brethren. Every year, he adds, the order of service is inverted, the retiring soldiers taking their turn in the labours of the field, while those who had, in the preceding year, attended to agriculture, marched to the protection of the frontier. In *Cæsar's* time, the *Suevi* were esteemed by far the greatest and most warlike of the *German* races, and, in later ages, the *Suabian* confederacy was the most considerable in *Germany*, until it sank beneath the rising fortunes of the *Franks*, when its various independent tribes were amalgamated by degrees with the *Frank* empire.

It might be expected that the subjugation of a people so powerful as the *Suevi*, who were already in contact with the *Roman* colonies on the *Danube*, and on the upper *Rhine*, would be the first object of the *Roman* general, the rather, because *Helvetia*, and the line of the *Danube*, presented a secure base for military operations. But *Drusus* conceived a bolder plan. He resolved to leave the *Suevi* unmolested among the wilds of the *Hercynian* forest, while he undertook the creation of a new *Roman* province, beyond their limits, in the country northward of the *Main*. The gigantic project, when accomplished, would place the *Romans* on the front and the two flanks of the *Suevi*, and compel them, inevitably, to fall back, unless they could hope to keep the field against the *Romans*, and master the line of forts and entrenched camps by which their country was encircled, a thing not to be expected from barbarian military science. There were, also, other motives which had weight in influencing the decision of *Drusus*. The south of *Germany* was mountainous, difficult of access, and covered by the dark *Hercynian* pine woods—a place of ill-omen, according to popular credulity, the conquest of which would appear little inviting, and would evidently bring little profit to the conquerors; but to erect a province in the north—in the land where

Cæsar had first carried the Roman eagles—would be less difficult, and more productive; would be more flattering to the pride of the Roman people; and by holding, from its position, the still restless Belgians in submission, it would conduce to the more complete consolidation of the Roman power. The most important of the newly founded Roman colonies in Northern Gaul, were in the country of the Treviri, betwixt the Rhine and the Moselle; fortresses might be so placed on the Rhine border, as to command the mouths of the two great navigable rivers, the Moselle and the Main, which would restrain the Suevi, and control the Treviri on one side, and the Sigambri, the Teuchteri, and Usipetes on the other; for, notwithstanding the reputed power of the Suevi, it was the Sigambri, Teuchteri, and Usipetes, whom the Romans had hitherto found their most daring and persevering enemies. There was, also, in addition to these reasons, that boundless confidence in the fortunes of Rome which made the most daring, often the safest policy, and taught the Romans to aim at the extremity, in the full belief that all within the circle must fall ultimately within their power. Hence it was that Drusus determined, before attacking the enemy at hand, to lead his army to the shores of the distant ocean, which no Roman had yet beheld, to make a way where no sails had been displayed, to countries untrodden by a Roman foot, and to subdue the wild and wretched barbarians as much by the influence of Roman science and civilisation, as by the valour of the legions. Whatever we may think of the public and private morality of the Romans, and of the nature of their boasted civilisation, we must be astonished at the boldness of their plans, and the greatness of their public works. Far inferior to the Greeks in the perception of ideal beauty, the monuments of their empire, which are found in every quarter of the ancient world, bear the character of practical utility and stupendous grandeur; their roads, their canals, their bridges, have probably done more for the civilisation of mankind than the Apollo and the Parthenon. Drusus prepared the way for the invasion of Germany by soliciting, or compelling, the states of Gaul to grant him a liberal contribution of men and money, in order to make good the outlay which a design of that magnitude necessarily required. The means he employed, or the arguments he used to effect this purpose, are not particularised, but they were attended by complete success, and his first step, while Tiberius was busied in keeping down the Pannonians, and fortifying the course of the Danube, was to begin the construction of a series of forts along the banks of the Rhine, which should serve as an impregnable line from which the operations of the Roman army might be originated. More than fifty of these

fortresses are said to have been founded by Drusus, during the period of his command, of which some were entirely new foundations, others were towns already existing, but occupied and strengthened by the Romans. While these works were going on, he took occasion of his vacant time to enter into negotiations with the northerly barbarians, endeavouring to gain over, by peaceful means, the Batavi and Caninefates, who dwelt about the Waal, and the Frisones, who lay yet farther to the north, around the Zuyder Zee, and along the shores of the ocean. The whole of the country inhabited by these tribes, in itself merely a deposit of the rivers, low, marshy, subject to inundation, would oppose great delays, if not insurmountable difficulties, in the way of conquest; it was better, therefore, to win over the inhabitants, and they were received upon easy terms into alliance with the Roman people. These preliminaries being completed, he next began one of those stupendous works, which will ever be associated with the name and memory of Drusus—the ditch or canal, called Drusina, or Fossa Drusiana by the Roman writers, by means of which a new course was given to the waters of the Rhine, and a new navigation to the Northern Ocean, through the Zuyder Zee, was opened. The Zuyder Zee, which, at that period, occupied a space comparatively small, was known, to the ancients, under the name of lake Flevus, or Fletio; it seems to have been, originally, a receptacle for many small rivers, consisting of a small lake, much swamp, and many islands, and had only a single outlet to the ocean. Plinius correctly describes the Rhine, of his day, as having three mouths: 1. The Helium, which is the present estuary of the Waal, and Lech, and the Maas. 2. The Flevum, the opening of the Zuyder Zee into the ocean, through which a portion of the waters of the Rhine were directed by the work of Drusus. 3. The centre mouth which flows between these two, under its own name, with a very moderate body of water; this is what is called the old Rhine, which runs by Leyden. (Plin. Nat. Hist., iv. 29.) The Lech from Wyk to the estuary, by which the great body of the waters of the north-west arms has been diverted from the old Rhine, and is carried to the ocean by Rotterdam, is a later channel, whether natural or artificial, I know not. Cornelius Aurelius (Bat. i. 94), and Hadrianus Junius (Hist. Batav. c. 8), show that it was formed by the Batavians, in the 9th century, to protect the country from inundation. Others describe it as artificial, but assign it a higher antiquity. Prior to the thirteenth century, when the sea broke in with unwonted and fatal violence, and converted it into a gulf of the ocean, much of the present surface of the Zuyder Zee was dry land, covered with villages, and teeming with life and industry;

nor is it improbable that the work of Drusus might assist in bringing about the catastrophe, which, however terrible its immediate effect, has contributed, in no small degree, to the greatness of the United Provinces. Among the streams by which the lake Flevis was nourished, the Yssel was the most considerable. This river rises in the land of the Bructeri, not far from Südlohn in the present province of Münster, and approaches the Rhine, in its course to the Zuyder Zee, at the angle made by the latter river after it has parted from the Waal, and taken a westerly direction. From this point, about three miles above Arnheim, Drusus dug the canal which was to unite the Yssel and the Rhine, directing, by means of a dam, a considerable mass of the Rhine water into the Yssel, the channel of which, at the same time, he deepened and widened. (Tac. Ann., xiii. 53; Ibid. Hist., v. 19.) At the junction of the canal with the Yssel he built a fortress, which was called "Arx Drusi," and the town of Doesburg—Drusus-burg, which stands on its site, still reminds posterity of the name of its founder. From Doesburg the Yssel flows by Zutphen, Deventer, and Kampen, into the Zuyder Zee. A theory has been propounded, that the Yssel, previously to the time of Drusus, flowed into the Rhine; and that the whole course of the river, from the Rhine to the Zuyder, is a Roman work. But, though we have little information respecting the surface of the country at that period, and though such an undertaking would not have been too great for the daring spirit of Drusus, the course of the Yssel, and the present appearance of the country, are contradictory of that opinion; for, neither in its aspect nor direction, does the river bear the look of having been originally a canal. Whatever be the fact, the work of Drusus was a mighty work—one which imposed laws upon Nature herself, and altered the face and destinies of the country. The Yssel, no longer the trifling stream which springs from the land of the Bructeri, but swelled with Alpine waters, has become an important river; the ditch of Drusus is now an arm of the Rhine, and has continued navigable for nineteen centuries. Cities adorn its banks, riches and civilization have shed their influence around, and steamers daily hiss along the stream, where once was only a marsh and a waste, inhabited by a rude and miserable people, living upon fish and birds' eggs. (Cæsar, Bell. Gall., iv. 10.)

It was late in the second summer before the canal of Drusus was completed. The interval had been employed by the Roman commander in the preparation of a naval armament, in collecting troops together and exercising them by frequent forays upon the lands of the Usipetes and Sigambri. At length, in the autumn of the year

12 B.C., he embarked his forces, sailed down his new canal amid the general jubel, and passing by the Yssel into the Flevus, the shallow waters of which he carefully threaded, proceeded by its mouth to the sea. Thence he steered—the first Roman who had embarked on the German ocean—along the coast towards the mouth of the Ems, within the limits of the range of islands which extend off Friesland from Terschelling, almost to the Weser, upon several of which he landed in his way, particularly on Boreum, called by the Roman soldiers “Fabaria,” from the quantity of wild beans which they found growing upon it. (Plin. Nat. Hist., iv. 27.) A host of Frisians, lost in wonder at the strange and inexplicable sight, accompanied by land the motions of the vessels until they entered the bay into which the Ems discharges its waters; where, in the territory of the Chauci, near the spot where Amisia was afterwards built, it was understood Drusus intended to land the troops and attack the barbarians from the north. While preparations for carrying the army ashore were going on, the unexpected ebb of the tide left the ships aground; and though the assistance of the friendly Frisians, and the returning flood, soon floated them again, the approach of winter, and the thought of the consequences which might follow the loss of the vessels, admonished Drusus to return. Indeed, it is improbable that at that late season of the year any serious invasion was contemplated; the voyage was rather intended as one of discovery, and as a demonstration of the power of the Romans. After a brief repose in the land of the Chauci, the army was re-embarked, the return of the fleet was unattended by any accident, and Drusus departed to spend the winter in Rome, where he was honoured with the office of Prætor of the city, and where he might calmly discuss with Augustus his future plans with regard to the subjugation of the Germans.

The preparations and proceedings of Drusus had spread unbounded apprehension and dismay among the various barbarian nations of Northern Germany, and a general confederacy for the defence of the country was entered into, the heart of which were the Sigambri. The Chatti, Chassi, or Hessians, whose boundaries on one side touched the Sigambri, and on the other the Suevi; and one of whose tribes, the Mattiaci, had settled, after the removal of the Ubii, on the Main, in Nassau, were the only folk which had hesitated to join the alliance, and the Sigambrian Wehrmen had marched to compel them to enter into the union; when, in the spring of the year 11 B.C., Drusus crossed the Rhine northward of the mouth of the Lippe, probably near Xanthen or Wesel, and having defeated and reduced the Usipetes, threw a bridge over the

latter river, and broke into the undefended Sigambrian land. Probably the remaining inhabitants fled on his approach, and finding there no enemy to meet him, he advanced up the left bank of the Lippe, passed the mountain range wherein the Lippe and the Ems take their rise, and penetrated to the land of the Cheruschi, as far as the banks of the Weser. The Cheruscan territory lay partially on the left bank of the Weser, but chiefly beyond that river, extending northward of the Harz as far as the river Elbe, and comprehending Brunswick and considerable portions of Hanover and Saxony. Drusus encountered no adversary in the course of his long march, but on the banks of the Weser he was stopped by the want of provisions, by the approach of winter, and by the unlucky omen of a swarm of bees settling on the lance which Hostilius Rutilius, the Prefect of the camp, had planted, according to military usage, before his tent. On his return towards the Rhine, the army was beset by the German allies, on its passage through a narrow valley, and saved from the most imminent danger, if not destruction, only by the courage and presence of mind of its commander, and the over-eagerness of its assailants. Speculations have been indulged in by German scholars, justly proud of the ancient glory of their country, respecting the locality in which this battle was fought, which fix it with great probability in Wald Osning, on the road from Paderborn to Salz-uppen; but it must be admitted, nevertheless, that little direct evidence bearing upon the question can be adduced, neither can the duration of Drusus' campaign in Germany be determined to a greater exactness than can be gathered from the expression, that it was late in the summer when he returned. It is probable that he spent the whole of the summer in the neighbourhood of the Lippe and the Weser, inasmuch as he founded two fortresses during his stay—one in the land of the Chatti, which bore the name of Castellum Cattorum, and is now known as Cassel, the capital of the Electorate of Hesse; the other was the fort of Aliso, built at the confluence of the Alme and the Lippe, which became the stronghold of the Roman province beyond the Rhine. (Dio, liv. 83.) The position of Aliso was skilfully selected, for it was so placed as to hold in check some of the most powerful tribes of Northern Germany, the Sigambri, the Marsi, the Cherusci, and the Chatti, and it served the Romans as the *point d'appui* in their future invasions of the Weser and the Elbe. Aliso was situated about four miles to the west of the place where Paderborn was afterwards founded; no remains of the Roman work are in existence, but its name, Aliso, may still be traced in that of Elsen, a village which stands upon its site.

There was great exultation in Rome when Drusus, at the close

of his campaign, repaired to the eternal city, and triumphal honours (*Triumphalia Ornamenta*) were decreed by the Senate to the young general who had brought new countries within the limits of the civilized world, and added new provinces to the Roman Empire. He had been already saluted in the field, according to immemorial usage, "Imperator" by his soldiers; but the proud title was disallowed by Augustus, who, from jealousy of the legions conferring a name peculiarly appropriated to himself, commenced the servile practice of addressing the ancient salutation after a victory only to the Emperor, and not to the victorious general. But Augustus was too cautious not to temper the disappointment of his step-son with every proof of confidence and affection, and Drusus was ever submissive to the will of his parent and benefactor. In the spring of the following year, A.U.C. 744, B.C. 10, they repaired together, accompanied by Tiberius, to the borders of the Rhine, that Augustus might examine, with his own eyes, the state of affairs in Germany, suggest such measures as prudence demanded for the consolidation of the conquests beyond the river, as well as of placing the new establishments on the Rhine itself beyond the reach of future accident. It was probably in consequence of his cautious counsels that the year was spent in hastening on the completion of the various fortresses; and when the emperor had returned to Italy, and Tiberius again repaired to the ever-restless Pannonia, Drusus continued on the Rhine to superintend his works, and to mark out the new ones which were necessary to connect and complete the line. Some of these foundations have altogether perished; some have sunk into miserable hamlets, while some have become famous cities, whose towers, grey with long years, yet adorn the shores of the Rhine with their faded and shadowy magnificence. At Ara Ubiorum,—Bonn, at Noviscum,—Neuss, and at Moguntiacum, were permanent bridges thrown over, and fleets stationed for their protection; but of all the works of Drusus, Moguntiacum,—Mainz, placed opposite to the mouth of the Main, from which it derives its name, was the most important. There another bridge was laid down, and carefully fortified at both extremities, and, in connection with the works on the Taunus, formed an effective barrier to the incursions of the Suevi. The fort on the Taunus, of which traces yet remain, was placed on the western declivity of the chain, and commanded almost the whole angle of land between the Rhine, the Main, and the Lahn. Mainz thus became the Roman capital on the Rhine, the seat of administration, and the centre of activity; ships were built there for the navigation of the river, and for the command and exploration of its tributary streams, the mouths of which were also guarded by

forts ; for the Romans were too well aware of the value of navigable rivers, in giving them control over the movements of the native inhabitants, to leave them uncared for, and the Main being the Suevic boundary, was particularly the mark of their attention. In such labours as these were spent the whole summer and autumn of the year 10 B.C. (Dio, liv. 26—33), and when suspended by the approach of winter, Drusus departed, as usual, to spend the seasons of inactivity in Rome, and to make the final preparations for the gigantic operations which he contemplated in the ensuing spring. He had taken the precaution of keeping his friendly relations with the Frisians, on whom, on account of their poverty, he had only imposed a tribute of a certain number of ox-hides, to be delivered for the use of the army. (Tac. Ann., iv. 72.)

At length, in the spring of the year 9 B.C., Drusus, Consul for the year, quitted Rome, notwithstanding omens and prophesyings of misfortune, to enter upon his last campaign. Among his army were bands of allies from the Gallic and Belgian provinces, and even the Nervii, who had suffered so much from Rome, were fain to follow the standards of the young commander. Soldiers of all races crowded to his banners, proud to serve under a youth whose glorious aspirations led him to pray the gods for an opportunity of engaging some hero of the enemy in single combat, that he might offer *Spolia Opima*—the fourth since the building of the city—in the Temple of Jupiter Feretrius. (Suet. in Claud., i.) Satisfactory details of this remarkable campaign are, unhappily, wanting in the ancient writers. Drusus appears to have advanced from Mainz up the right bank of the Main, through the country of the Chatti, on the borders of which, where the river bends in its course to the Rhine towards the west, perhaps between Hanau and Aschaffenburg, he encountered the host of Suevic Mark-men, which he overthrew with such slaughter that they appear no more in Western Germany, and erected a trophy of their spoils. From thence he turned to the left, and took his course to the land of the Cherusci, crossed the Weser, apparently above its confluence with the Fulda, wasting and destroying the country as he went, penetrated the vast Hercynian forest, which no Roman foot had ever trod before, and at last stood on the borders of the Elbe, not far from its junction with the Thuringian Saal. Here a Wala, Velede (weise-frau, or witch), a woman described by Suetonius as of more than human stature, suddenly stood before him, and addressed him in the Latin language :—"Drusus," she said, "whither would'st thou? Are there no bounds to thy ambition? Is it not written that thou should'st conquer all? See here the end of thy labours and thy life." She then vanished from the sight of the

astonished general; who, whether shaken by the occurrence, or influenced by considerations of prudence, for it was growing late in the season, and autumnal winds began to whistle through the woods, determined upon returning towards the Rhine. (Dio, lv.)

On the bank of the Elbe, somewhere above Magdeburg, Drusus erected a trophy to mark the limit of his adventurous march. Opinions differ as to the route by which he returned; but it may be assumed that he would take the most direct and nearest way to the Rhine, and, from Strabo, it would appear, that for some distance he ascended the Saal, whence his course would be most likely directed between the Harz and the Thuringerwald to the Roman station on the Lippe. Dire omens, as usual, attended his march. Two celestial youths rode unmolested through his camp, wolves howled around it, mysterious wailings of female voices were heard within it, the very stars of heaven bounded from their spheres, and Drusus saw the Rhine no more. On his way between the Saal and the Rhine, his horse stumbled, and fell upon his thigh; but he reached the summer camp, where, after lying thirty days in pain and fever, he closed his eyes upon the seductions of conquest and glory. (Livii Epit., c. 140; Dio, lv.) The precise place of his death has been made the subject of speculation by commentators on the ancient writers, as usual, with little unanimity of opinion. From a notice of Suetonius, he appears to have expired in the *Castra Æstiva*, which thence received the appellation of "*Scelerata*." The *Castra Æstiva* of the Romans were usually situated at no immoderate distance from the permanent fortress, and there is much probability that the *Castra Scelerata* were a dependency of the citadel Aliso, inasmuch as Germanicus, when, twenty-five years later, he visited Aliso, is said to have repaired the ancient altar, which had been reared by the soldiers to his father's memory, and had been thrown down by the barbarians. That the army, at the time of the death of Drusus, had reached one of the Roman fortresses, is beyond dispute, for it was out of all further danger of attack by the Germans; and Tiberius, to whom intelligence of the misfortune of Drusus had been sent, arrived in time to close his eyes. If Tiberius ever loved anything, it was his brother Drusus. Perhaps at that early period of his life, ere unlimited power had given him unbounded opportunity for the indulgence of hateful passions, all natural feeling was not yet extinct, and the sorrow which he manifested might not be a mere profession. He joined the soldiers in their lamentations, and in the honours which they paid to his brother's memory. An altar, which has long since disappeared, was raised on the spot where Drusus had breathed his last; the body was brought, in military pomp, to Mainz; from

Mainz the funeral procession proceeded slowly from place to place towards Italy; in every Colonia and Municipium it was attended by the Decurions and other Magistrates, Tiberius marching the long way afoot before it. At Pavia, Augustus himself was waiting to receive it, and, in the depth of winter, attended it to Rome. There Tiberius delivered a funeral oration in the Forum, and Augustus, as he pronounced in the Flaminian circus a second eulogy over the body of his favourite son, prayed the gods "that his young Cæsars might be like him, and that a death as honest in the service of their country, might be vouchsafed to them." The corpse was then borne, by Patrician hands, to the Campus Martius, and the ashes deposited in the monument of the Cæsars. (Suet. in Claud., i.)

So perished, in his thirtieth year, Nero Claudius Drusus. The Senate decreed to him and to his family the perpetual surname of Germanicus, and erected, in the Appian way, a marble arch in honour of his conquests. (Gruter, cccxxvi., 5.) Young in years as he was, his deeds will yet bear a comparison with Cæsar's riper exploits; but the characters of the two commanders were widely different. Cæsar was without religion—Drusus had faith. Cæsar's life was gross and licentious—Drusus, in the midst of impurities, was pure. Cæsar was a keen and polished man of the world—Drusus was born to be a hero. Cæsar used arms, without loving them, as a means of furthering selfish purposes—Drusus' whole soul was in the camp. Cæsar destroyed the liberties of his country—Drusus meditated no less than the restoration of the ancient republic. There are few names which have been bound up with so many of the great works of Roman antiquity as that of Drusus—few of that age which have come down with a brighter or purer lustre. Though a child of the Claudian race, he was popular among the Roman people, who gloried in his successes, and regarded him with a favour never extended to his brother Tiberius. By the legions and soldiery, amid whom he had passed his life, and whom he had led through wild and unknown regions, with unchanging fortune, to victory, he was idolised; and little less than divine honours were paid by the rough veterans to his memory. At Mainz they reared a monument in honour of their young hero, around which, on the anniversary of his death, races were run, and military games celebrated. These ceremonies, as well as the *Supplicationes* of the Gallic states, spoken of by Suetonius, have been long forgotten; but within the citadel of Mainz, upon the most elevated part of its area, may still be seen a tower or pile of solid masonry, almost shapeless from time, which from its original (real or fancied) resemblance in form to an acorn, has been known

for centuries, in popular tradition, by the name of the *Eichelstein*. The *Eichelstein* is the memorial reared by the soldiers to the memory of Drusus; and it remains, after the lapse of more than eighteen hundred years, a monument of their devotion and his glory. (Suet. in Claud., i.)

There is not in Mainz, or even out of Italy, a more remarkable Roman monument than the *Eichelstein*. It far exceeds in antiquity, if not in beauty, the boasted remains at Treves, which are not older than the time of Constantine; but, as it lies within the citadel, and cannot be visited without a written permission from the Commandant, it is comparatively seldom seen. Shut up by the fortifications, and hidden by some trees, which grow within their limits, the *Eichelstein* is not visible from Mainz itself; but, from the Hessian side of the Rhine, or even from the further end of the Rhine bridge, it may be seen with great distinctness; and, from thence, the acorn-shape, which is lost on a near inspection, is very discernible. It does look like an acorn, of which the apex has been cut away. It admits of little question that the *Eichelstein* is the identical monument raised by the soldiers to Drusus. That it is Roman is evident to the most inexperienced eye; and its situation, its form, pointed at the top, its solidity, shew that it could never have been used for purposes of defence; therefore, could only be a monument; and its mass, perhaps eighty feet in present height, and thirty-five feet in diameter, proves that it could be built upon no ordinary occasion. It is a solid piece of masonry, without chambers, or it would not have stood 1856 years; the present staircase in the interior having been drilled by the commander of the French troops in 1689. To the same ingenious gentleman we are probably indebted for the erasure of the peak of the acorn, in order to make a convenient platform, which is fitted up with a railing, and a stone bench; from which, however, is a delicious view over the Rhine-gau: for in Brower's time it was *structura solida, glandis in morem*. (Ann. Trev., i. 132.) That *Morgantiacum* occupied the site of the modern citadel and its vicinity, on the hill above the present city, nearly opposite to the mouth of the Main, is proved by the numerous monumental inscriptions found there; by the remains of Roman walls, which are still standing, and by the immense quantity of Roman materials buried in the soil. I have often picked up pieces of Roman brick on the public road leading to the *laserne*. To these general reasons may be added some historical testimony. It corresponds with the *honorarium tumulum*, spoken of by Suetonius. Eutropius, who wrote at the close of the fourth century, asserts that the monument of Drusus is at Mainz—*apud Moguntiacum monumentum habet* (Eutrop.,

vii. 13)—from which it is apparent that the monument still existed in the time of the writer. Otto Frisingensis, in the 12th century, says, *monstratur adhuc monumentum Drusi Moguntiae per modum pyræ* (Chron. A.D. 1146), an expression which shews both that the author had seen it, and that it was the identical Eichelstein, with the apex yet entire. The tradition, indeed, of its being the Drusus monument, is constant, as may be seen in Huttichius (Collect. Ant. in Mog. repert.), A.D. 1520: in Senarius (de reb. Mog.), 1605; as well as in Teutzel, and other writers. The evidence of Eutropius proves that the monument of Drusus, at Mainz, was well-known during the whole period of Roman power; that of Otto, that it was also recognized under the French dominion; the others, that the notoriety of the thing was uninterrupted. Few ancient relics, having no inscription, are capable of such clear demonstration as to their origin and object.

CHAPTER IV.

Tiberius and Marbod.

THE death of Drusus in the midst of his vast designs (B.C. 8.) and the uncertain position in which he had left the affairs of Rome in Germany, naturally demanded the most serious consideration of the Roman government, and induced Augustus himself, still attended by Tiberius, to visit again the borders of the Rhine. A certain degree of congeniality appears in the characters of these two princes. Notwithstanding the sorrow of Augustus for the death of Drusus, the bold and open temperament of the young man, who was believed to have contemplated the restoration of the ancient commonwealth, must have occasioned many an anxious moment to the cautious emperor, and gave rise in Rome to the most calumnious, though unfounded, speculations. But between Tiberius and Augustus there was a harmony of views, principles, and opinions; a thorough union of sentiment as to means and ends. Men of the world, they regarded the advantages rather than the glory of conquest; and though both, upon occasion, had displayed undoubted courage, they relied, in the pursuit of those advantages, not so much upon the sword as upon policy—a word which then, as now, comprehended whatever there can be of treachery and falsehood. Men of expediency, there was no degree of bloodshed or cruelty from which they shrank when under the pressure of a presumed necessity. Men, also, of an evil and licentious life: though this had Horace, that Paterculus, for his flatterer, yet both superstitious and observers of omens. The mistake of the morning, in putting on a shoe, would, to the end of his life, bring a day's unhappiness upon Augustus. But the mathematician, Tiberius, is said to have arrived, in his latter days, at the consolatory conviction of an inevitable necessity. To descend to minute particulars, both were so inordi-

nately terrified at a thunderstorm, that, whenever a dark cloud appeared in the sky, one invariably hid himself, the other had recourse to the imaginary protection of a laurel wreath. There is, however, this distinction to be made between them: that Augustus, though he shrank from no profitable atrocity, had no natural propensity for cruelty; but Tiberius was a voluptuary in crime. It was in the spring of the year 8, B.C., that these two men appeared together at Mainz. Tiberius immediately crossed the river to take command of the army, while Augustus continued in the fortress; and no sooner was the rumour of his arrival on the Rhine spread among the German nations, than they eagerly sent the noblest of their people to sue for peace, and a respite from the ravages of the Roman army. The Sigambri alone, of all the nations in the vicinity of the Rhine, took no part in the pacific application. Conscious that they had done and suffered too much to make friendship between the Romans and themselves possible, and knowing, from their experience of Roman arts, that with friends or with foes, the end with Rome was the same inevitable servitude, they kept themselves aloof from the negotiation; and it was not until Augustus declared that he would treat with none unless ambassadors from all appeared, that their princes were compelled to join the others in the emperor's court at Mainz. No inconsiderable number of German chiefs being thus drawn together, under the pretence of treating about a peace which was never contemplated, Augustus, without provocation, without even the formality of a pretext, seized upon their persons, and distributed them in prisons among various fortresses in Gaul, where most of the victims, in order that their fate might be no embarrassment to their countrymen, sought, in a voluntary death, a release from the power of the Romans. The object of Augustus, in this act of treachery, was fully achieved. Some transient ebullitions of rage and despair arose among the Germans; but without leaders or concert, little in the way of revenge could be effected; and the impotent attempts afforded a pretext to Tiberius for ravaging the helpless country. The legions carried fire and sword through the defenceless Gaus lying between the Weser and the Rhine; and, at the close of his campaign, Tiberius drove 40,000 men over the Rhine before him. What these people were is not expressly stated by ancient writers, who hurry over the occurrence as if they were conscious that there was in it little to be proud of; but from subsequent notices to be found scattered among them, it may be inferred they were Sigambri. It was not the transplanting of a whole people to a new and better soil, with their families and flocks, like that of the Ubii by Agrippa; for their numbers were too small for such a supposition; but a

transportation of men only, who had been torn from their homes and kindred, to be sold to strangers, or distributed among Roman settlers, under the hardest condition of slavery. (Tac. Ann., xii. 39.) It matters little whether these atrocities were concerted beforehand between Augustus and Tiberius, or whether they are to be ascribed to the sole counsel of the latter, part of the *plura consilio perfecta* (Tac. Ann., ii. 26) of which he boasted in after life; they were sanctioned and confirmed by Augustus, who, in consequence of them, granted a donative to the soldiers, conceded a triumph to Tiberius, and conferred on him the title of *Imperator*, which had been denied to Drusus. These were the glories of the Augustan era. It is not the eulogies of poets which can wash clean the memory of Augustus. (Dio, lv. 6.)

Resistance having been in this manner suppressed among the Germans, the two emperors returned to Rome, where Tiberius spent the winter. In the ensuing summer he directed his attention, on his return to Germany, to the completion of fortresses and camps, the opening and improvement of military communications, and preparing the way for the establishment of a Roman province beyond the Rhine; matters which continued to absorb his attention until the period of his self-banishment to Rhodes (Paterc., ii. 99, 4), in which remarkable seclusion seven years of his life were spent. At the time of his departure from Germany he left the people quiet, if not content, under Roman supremacy, still living under their own laws and government, though they had become tributary to Rome. There is no part of the annals of the German nations more obscure, than the ten years which elapsed between the departure of Tiberius and his return to Germany; but from casual and confused notices of events which occur in the ancient writers, it may be gathered that discontents and risings were not unfrequent; and we are told, in vague and general terms, by Paterculus, that Germany, no longer under the eye of her Tamer (Paterc., ii. 100, 1), endeavoured to shake off the Roman yoke. Among the Roman governors of this period was Domitius Ahenobarbus, the grandfather of the Emperor Nero, a man, according to Suetonius, arrogant, prodigal, and cruel beyond measure, who in his youth had distinguished himself as a charioteer in the circus; and whose harshness in later life is said to have compelled the unwilling interference of Augustus. Domitius had heretofore commanded on the Danube, where he defeated the Hermanduri, a name assumed by a people of Suevic race, whose settlements extended from the Thuringerwald to the Danube. During his command on the Rhine, Domitius appears to have penetrated deeper into Germany than any of his predecessors (Tac. Ann., iv. 44), for he passed the Elbe,

and reared an altar to Augustus on its farther shore; but the work which conferred the greatest lustre on his administration was the construction of the roads and long bridges, extending over the marshy country betwixt the Rhine and the Teutoburger-wald, by means of which the connection of the more distant garrisons with the Rhine was made easy and secure. (Cluv. Germ. Ant., iii. 36.) The duration of his government is unknown; but he returned in safety to Italy, enjoyed the honours of a triumph, though Augustus forbade any further commander to pass the Elbe, and died peaceably at Rome in the year of our Lord, 26. (Tac. Ann. iv. 44.) Marcus Vinicius, his successor, governed Germany about the time of the birth of our Saviour. Under his administration, it is said, a great war broke out (Paterc., ii. 104), which obtained him also his triumph, though no historian records the names of the people he had overcome; neither is it quite clear that the victory is not confounded with the successes of Marcus Vinicius over Melo and the Sigambri, which had taken place five and twenty years before. At length, after a seven years' retirement from the world and public business, Tiberius returned from Rhodes, preceded by every kind of happy omen, his prospects great, and not uncertain; and he was received with jubilation by Augustus and the Roman people. For a time he affected, or was compelled to continue in the seclusion of private life; but the two young Cæsars, Lucius and Caius, dying suddenly (Suet. in Tiber., xiv. 15), the one in consequence of a wound, at Limyra, in Syria, the other of disease, at Marseilles, there was no longer any one between him and the empire but M. Postumus Agrippa, the son of M. Agrippa and of Julia, the daughter of Augustus, a rude, irreclaimable youth, ignorant, helpless, and obstinate, whose high birth was his destruction; and in the year 4 P.C., he was adopted, at the same time with Agrippa, by Augustus, with the remarkable distinction, *Hoc reipublicæ causâ facio*. (Paterc., ii. 104.)

The adoption of Tiberius, if the hyperbole of Paterculus may be credited, diffused an universal satisfaction among all classes of Roman citizens; created a faith in the prosperity and everlasting duration of the Roman Empire; restored confidence in the security of life and property; and spread abroad hopes of domestic happiness, rest, peace, and tranquillity. Such was the Morgenroth which ushered in the reign of Tiberius. Scarcely, however, were the rejoicings of his adoption brought to a close, when confused rumours of discontent in Germany indicated the want of a master-hand; and Tiberius hastened to the Rhine, where, after a ten years' absence, he was received with acclamations—even with tears, by the veterans, who remembered their ancient general, and pressed

around him with reminiscences of former exploits. (Paterc., ii. 104, 4). Though not endowed, like Drusus, with the mind and spirit of a hero, Tiberius had ever been regarded by the soldiers as a prudent and fortunate commander; and he was now honoured as the successor of Augustus. He was attended in this campaign, in quality of commander of the horse, by Caius Velleius Paterculus, a man who has debased the dignity of history, and brought suspicion upon everything he relates, by the extravagance and grossness of his flattery of his patron. According to the narrative of this writer, the Caninefates, a warlike people inhabiting part of Holland, were subdued. A similar fate befel the Attuarii and the Bructeres. The Cherusci were received into alliance with the Roman people. The Weser, soon to be ennobled by Roman slaughter, was passed, the regions beyond penetrated, and victory everywhere attended the standard of Tiberius. After an active summer, during which Tiberius—while Saturninus, his legate, continued in reserve on the Rhine—had traversed the greater part of northern Germany, between that river and the Elbe, he led back the army, so late as the month of December, to the Lippe, and placed it for the winter in the fortress of Aliso. He himself, impelled by the natural piety of his disposition, and the desire to see his benefactor, Augustus, crossed the Alps in the depth of winter, and repaired for a short time to Rome (Paterc., ii. 105), where his stay was brief; for, early in the spring of the year 5, A.D., he resumed the command of the army in Germany. Then, continues Paterculus, every part of Germany was traversed by the Roman legions; peoples, whose very names had never before been heard, were subdued. The Cauchi, countless in number, and of immense stature, the position of whose land secured them from invasion, voluntarily delivered up their arms, and, with their princes, bowed themselves before the tribunal of Tiberius. The Lombards, a people of more than German ferocity, were humbled. In short—a thing which never before had been attempted nor conceived—Roman ensigns waved over the Elbe, where it flows four hundred miles distant from the Rhine, by the borders of the Semnones and the Hermunduri; while, at the same time, the fleet, through the forethought of the general, and the due observance of favourable seasons, navigated in safety the unknown ocean, and joined the army on the Elbe, crowned with victory, and rich in the spoils of nations. Warmed into enthusiasm by the recollection of these great events, the master of the horse exclaims, "*Pro Diis bonis, quanti voluminis opera, sub duce Tiberio, gessimus!*" (Paterc., ii. 106, 1.) It is to be lamented that we have no account of an event so remarkable as the navigation of the Elbe by a Roman fleet, beyond the rhapsody of

generalities, from which, however, may be gathered, that Tiberius carried the sword through the whole of German land within the limits of the Elbe, in a direction more northerly than the march of Drusus; and that, under the influence of arms, or of dread, there was no people of northern Germany which ventured to assert its independence. Nothing, says Paterculus, was left in Germany to subdue, except the kingdom of the Marcomanni. This people had withdrawn from the Rhine, in order to avoid collision with the Romans, into the plains, or basins, in the heart of Germany; but the time was come when their independence, even there, could be tolerated no longer. Tiberius entertained in his mind the conviction that, advanced as the Romans were in the north of Germany, a direct communication with the Danube was essential to their security; and that Italy itself was exposed if the Suevic kingdom was suffered to continue. Occupied by these reflections, he repaired, at the close of the season, to Rome, where plans for the subjugation of the formidable enemy might be more conveniently digested, leaving Saturninus to command, during his absence, in Germany. (Paterc., ii. 106, 108.)

It is a relief to the mind, fatigued by the recital of the cold-blooded atrocities of half a century, to pause for a moment over the character of C. Sestius Saturninus, one of the bright spots of ancient history. A Roman of ancient, or, more truly, of ideal times, he had borne, in the year 19 B.C., the consulship with Augustus himself, and had conducted himself in his office with a firmness and severity which recalled, for the last time, the memory of Rome's ancient days. While his colleague was in Asia, scattering, according to the hyperbole of Paterculus, blessings over the world, he had stood alone against public corruption, had brought order into the treasury, detected and punished the frauds of the publicans, and repressed, with a fearless hand, the insolence of demagogues, who, long accustomed to fatten upon the public, were the natural enemies of reformation. Laborious, active, provident, skilled in military duties, and patient of military labour, he yet tempered the severity of his character by refined and social intercourse. Magnificent, without being luxurious; social, but never slothful; he delighted to exercise a rational hospitality, and to seek refreshment, after the fatigues of duty, in the pleasures of conversation and society. (Paterc., ii. 92, 105.) Such a man was more dangerous to German liberty than even the weapons of the Romans. What the burnings and the cruelties of former leaders—what Tiberius himself, with the whole power of Rome, had failed, by fraud or force, to accomplish, was brought about by the character of Saturninus, who, while he neglected no point of duty which could

conduce to the safety or welfare of the Roman army, strengthening fortresses, improving roads and long bridges, and taking every precaution to secure communications, inspired, by his just and dispassionate administration, such general confidence, that his camp was constantly crowded by the Germans. Received by him to his table and society, their princes felt the ascendancy of civilization in a form more potent than the might of arms, began to be sensible of their natural rudeness, and to desire to participate in the luxuries of intellectual refinement. Aliso, instead of seeming a place of arms, wore the appearance of a mart, where Roman merchants and artists, emboldened by the security of the time, displayed the various implements of social and warlike luxury; weapons, whose polish dazzled the eye; cups, whose curious chasings and carvings shamed the rude drinking horns of Germany; collars, ornaments, articles of dress, everything which might tempt the desires, and inflame the imagination of the young barbarians. Some purchased female ornaments for brides or mothers; some coveted Roman armour; and many a youthful hero, seduced by its splendour, abandoned the leathern panoply of his fathers, to follow as a legionary the fortunes of the Roman eagles. It was a kind of school of civilization which Saturninus had opened; every day the rude customs of Germany seemed less lovely in German eyes; every day something of ancient usage dropped away; the chiefs became emulous of the title of Roman citizen; it was considered an accomplishment, it became a fashion, to speak the Roman language. The men, says Florus, were no longer the same; even the face of nature appeared changed; the very heavens seemed milder and more benignant. (*Flor. Epit.*, iv. 12, 27). Such was the aspect things in Germany were assuming, under the wise and tolerant administration of Saturninus, when he was summoned by Tiberius to co-operate with him in the invasion of the Marcomannic kingdom. He was ordered to march, with three legions, through the land of the Chatti and the Hercynian forest, towards the Danube, whilst Tiberius himself, with the view of attacking Bohemia, the heart of the Suevic kingdom, proceeded up the course of the stream, to join him with the Illyrian army and troops, which were assembling for the purpose at Carnuntum. (*Paterc.*, ii. 109.)

It was, probably, after the defeat of Drusus, in the year 9 B.C., that the Marcomanni had withdrawn from the vicinity of the Rhine; and, under the influence of their king, Marbod, had established a new state, which, at the period of the threatened invasion of Tiberius, extended, on the south, along the shores of the Danube, on the north and east, to unknown regions; but the centre of which was the valley, the so-called Kettle-land of Bohemia. What occur-

rence had induced the independent Suevic Gaus to place a monarch at their head is unexplained, unless it were the sense of unceasing peril from the constantly contracting grasp of the Roman establishments; but that Marbod was elevated in the first instance by popular choice may be inferred from the customs of the nation; the impossibility of a private individual attaining, by any other means, to such a sudden elevation; and from the expression of Strabo, that he rose ἐξ ἰδιώτης.

Marbod was a Suevian of noble birth, gifted with strength and courage, and rather a barbarian in nation than in mind. In his youth he had spent much time in Rome, where he was regarded with favour by Augustus; and whether he had followed the emperor upon his return to Italy, after the defeat of Lollius, or whether he was one of the German guards which attended upon his person, it was impossible he could have resided long in Rome, in the midst of the most refined society, without acquiring much of Roman refinement, and making himself familiar with the arts of peace and war. To this kind of education he would owe that greater comprehension of mind, that enlargement of views, that truer insight into the state of the political world, as well as the skill to deal with it, which originally procured him consideration and power among the Suevi; and enabled him afterwards to maintain, for so many years, a kind of balance of power with Rome. The date of his return to his native country is as uncertain as the rest of his early history; but if it took place, as is probable, in consequence of the preparations of Drusus for the invasion of Germany, it would be about 13 B.C. Among the Marcomanni, the apprehensions occasioned by that invasion, and their actual and decisive defeat by Drusus, would render an union and a Thinda almost indispensable; and it is little to be wondered at, in the situation in which the Suevi were placed, that their choice should fall upon Marbod. (Paterc., ii. 108; Strab., vii.)

Marbod was too sagacious not to perceive that to make head against the Romans on the Rhine, with the danger of being attacked in flank from the Danube and the Main, was beyond the power of the Suevi, whose only security was to withdraw from the dangerous territory. He induced the people, therefore, to abandon the Rhine borders for the interior of Germany, where they would be covered on the west by the Hercynian forest; and to draw down towards the Danube, where, though the country was exposed to the Romans, it was better to look them in the face with concentrated power, than to be spread over a frontier which they were too weak to defend. Still, the insecurity of their new position in the south of Germany was apparent; the whole course of the

Danube was studded with Roman fortresses, from which incursions upon the Suevic land might at any time be made; and at Regensburg, one of the chief Roman stations, the river makes a deep indenture into the German territory. These considerations—the want of a retreat to which they might withdraw, in case of overwhelming force, induced Marbod to take possession of Bohemia, a great plain, secured on all sides by mountains, which was inhabited at that time by the Boii, a people supposed to be of Celtic origin, whose name we find, also, spread in Bavaria and in Helvetia. Details respecting the subjugation of Bohemia by the Suevi are wanting; nor is it certain whether the Boii were subdued by arms, or whether they received the Suevi as allies against the common enemy. Whatever might be the fact, Marbod found means to convert his temporary into a permanent sovereignty, and founded a German monarchy, of which Bohemia was the heart, which spread over Bavaria and Austria, to the Danube; easterly, to the Sclavi. The great forest was its boundary on the west; while, to the north, its limits were continually extending. The greater part of the Suevic people, even the Semnones, being united under the same government, and five nations, whose names had never been heard in the civilized world—Luii, Zumi, Butones, Mugilonas, Sibini—are enumerated among those which obeyed the sceptre of Marbod. An army of 70,000 foot, and 4,000 horse, were kept constantly in service, and exercised in the continual enlargement of the Marcomannic kingdom. A state so founded, and so exposed, in the teeth of the Roman empire, must of necessity be a military monarchy; and the entire nation, therefore, in addition to the enormous regular army, was a militia, ready to take arms at the first call of the trumpet, and Marbod himself rather the captain than the king. (*Paterc.*, ii. 109.) By persevering in an uniform course of policy, and with such means at his command, Marbod had, in the course of about twenty years, given a compactness and consistency to his kingdom, quite unusual in the ordinary constitution of German states. Roman discipline, Roman order and institutions, seemed to be planted in an almost equal degree on both banks of the Danube, and Tiberius was under the continual apprehension that a rival of Roman greatness was growing up; the thought of Marbod and his power constantly haunted him; and, while he felt that to deal with him was very different from baffling the uncombined and unskilful efforts of the other German peoples, he could not avoid the conclusion that it was the more necessary to measure himself with the giant before his full strength and dimensions should be attained. How deep an impression the character of Marbod made upon the mind of Tiberius may be gathered from

his avowal many years later, after the power of the German monarch had crumbled into dust, that "neither Philip to the Athenians, nor Pyrrhus, nor Antiochus, to the Roman people, had been more formidable than Marbod." (*Tac. Ann.*, ii. 68.)

Marbod, notwithstanding, had carefully avoided a rupture with the Romans. In the earlier stages of his career, he had affected to cultivate the favour of the Cæsars, and his ambassadors spoke the language of humility, as if it were to Rome that their master looked for patronage and protection. His kingdom was as open as the provinces of the empire to Roman merchants and artists, who found a beneficent patron in the sovereign of the Marcomanni, and secure and profitable employment in his capital. It was the policy, as well as the passion, of Marbod, to encourage Roman arts, as well as to avoid everything which might give umbrage to Rome; but he still so conducted himself, in the midst of his blandness, that Rome might feel he had the power and the courage to resist aggression; and the outcasts of other countries, all who, in their own land, had felt Roman power intolerable, found a refuge and a home with Marbod. And as his work advanced with the course of years, and he began to be sensible of his strength, his tone lost, by degrees, something of its ancient submissiveness; and, when need was, he ventured to speak as an equal to an equal. (*Paterc.*, ii. 109, 2.) Thus, while he abstained from giving to the Roman government any definite subject of complaint, there was something slippery and uncertain in his bearing, something indicating independence of Rome constantly escaping, which was in the highest degree distasteful to Tiberius. To a mind like that of Tiberius, priding itself in the depths and doublenesses of policy, the equivocal attitude of Marbod was more calculated to excite apprehension than open hostility; and, judging the Suevic sovereign by himself, he arrived at the conviction that only a favourable opportunity for aggression was wanting. Fully determined, therefore, to anticipate such an event, and to annihilate the formidable antagonist, Tiberius, without much care about a just pretext for war, began to prepare means equal to the greatness of the object. The whole summer of the year 6 was spent in the concentration of troops on the Danube; and twelve legions were not thought too much for the occasion. He had directed Saturninus to join him at an appointed place on the Danube, probably not far from Regensburg, where a winter camp, capable of receiving the whole force, was already marked out, with the intention of commencing his invasion of Bohemia in the earliest days of the ensuing spring. Already, in the autumn of A.D. 6, he had begun his march up the Danube, from Carnuntum to the appointed rendezvous. He was only five miles from the lines of the

enemy; Saturninus, who had happily accomplished his adventurous journey, was at an equal distance, and on the point of joining him, when the whole project was blown into the air by an occurrence which no man had foreseen. This was the general revolt of Pannonia and Dalmatia. (Paterc., ii. 109, 110.)

The tribes inhabiting these provinces had been with difficulty subdued by the Roman arms. They had suffered much and long from the miseries of war; and, since their submission, they had been grievously oppressed by the rapacity of the numberless Roman officials, who, in various degrees of authority, governed the conquered provinces. "Wherefore," enquired Tiberius, in a conference with Bato, one of the princes of the insurgents, "wherefore have ye risen against the Roman people?" "Because," replied Bato, boldly, "the Roman people have sent us wolves for shepherds." (Dio, lvi. 16.) Their submission had been late and unwilling; the yoke had been borne impatiently; and, no sooner had Tiberius drawn away the greater part of the troops quartered in those provinces, for the purpose of taking part in the invasion of Bohemia, than the inhabitants eagerly seized the opportunity of freeing themselves from Roman dominion. Eight hundred thousand souls, animated by the same thought, arose at the call of liberty; nor did they refrain from indulging in the riot of revenge. The Roman officers were massacred. The tradespeople, settled or travelling in the country, were slain, or plundered and driven away; and an army of 200,000 foot soldiers, and 9,000 horsemen, took the field, of which one part continued at home for the protection of the country; another portion proceeded into Macedonia, with the intention of awakening their brethren there to freedom and independence; and a third drew down towards Nauportum and Trieste, to visit on the defenceless Italy the miseries which she had inflicted on the world. (Paterc., ii. 110, 2—6.) Never, since the Cimbri had descended from the Alps, had such a general terror spread over the eternal city. The Cimbri were formidable, from their strength and courage; but the Pannonians united with these qualities a certain degree of military skill; for their thirty years' struggle with Rome had made them, in some degree, familiar with Roman arts and discipline (Paterc., ii. 110, 5), and they were, moreover, embittered by oppression, and burning with the thirst of retaliation.

Augustus himself declared in the senate, that, unless extraordinary efforts were made to meet the emergency, the enemy, in ten days, might come within sight of Rome. The veterans were hastily recalled to the ranks; senators and equites were required to contribute the necessary aid; and all classes, men and women,

were compelled to manumit, and send to the army, a certain number of their slaves, proportionate to their rating in the Cadaster. As men were raised, they were drafted off to the frontier, under various officers. Paterculus himself received the command of a detachment. (*Paterc.*, ii. 111, 3.) In short, the measures of the government were so prudent and energetic, the winter camps were placed with so much skill, that the threatened invasion of Italy was averted; and the insurgents, unable to obtain supplies of provision, and already at variance among themselves, separated, and spread themselves in other directions. (*Paterc.*, ii. 111.)

Notwithstanding the imminence of the danger with which Marbod had been threatened by the Roman invasion, and the presumption that he would seek to strengthen himself by every alliance and connection within his reach, there is no evidence of any communication having taken place between the Pannonians and himself; still less any which would warrant the supposition that their insurrection had been excited by his intrigues. The Pannonians appear to have considered a war between Rome and Bohemia as inevitable, if not already begun; and, satisfied that it must at the least provide a long occupation for the Roman arms, acted for themselves, without seeking concert or alliance with Marbod. But they were too precipitate. Hostilities had not actually commenced, and Tiberius, on the first intelligence of the revolt, concluded a peace with Marbod, who gladly availed himself of the opportunity of restoring a good understanding with the Roman government. (*Tac. Ann.*, ii. 26, 46.) During the long course of his government, Marbod adhered constantly to the same narrow and selfish policy. Intent chiefly upon personal interests, he kept aloof from alliances with other peoples; and, so long as the Marcomannic kingdom was unmolested, was indifferent how many nations fell under the Roman yoke. Acting upon these contracted and sordid grounds, he had no common feeling with the German races; far less with Pannonia and Dalmatia, who were strangers in speech, habits, manners, and superstitions; but, on the contrary, whether it were the consequence of an admiration of her civilization, or of an apprehension of her power, there appears, in the whole of his administration, a secret leaning towards Rome. The first object of his idolatry was Marbod, but Rome had the second place. The preparations of Tiberius might have opened his eyes to the fallaciousness and danger of such a policy, which yet, as events turned out, was not altogether without success, inasmuch as it left open a door for easy reconciliation; nor was it from the side of Rome that the storm came which finally overwhelmed him.

The peace with Marbod released the army of Tiberius, and the

Roman general immediately directed his march back upon Pannonia. He had sent before, upon the first intelligence of the commotions, such a body of troops as could be spared, under Valerius Messalinus, the prefect of the province, and the moment he was delivered from the fear of Marbod, he followed, in person, with the whole of his remaining force. Augustus, in the meantime, was hastening his Italian levies, and, soon, no less than fifteen legions, with allies in proportion, among whom were many Germans, were assembled in Illyria, with the young Germanicus, the son of Drusus, whom Augustus had sent to the assistance of Tiberius. The chief leaders of the insurgents were two princes of the name of Bato, one a Dalmatian, the other the head of the Breuci, a Pannonian horde, and a third called Pinetes, who appear to have thought no enterprise too difficult; but, great as was their confidence in themselves, they wanted, like true barbarians, confidence in each other; no union of views, no broad or connected plan of operations was therefore possible, and their military enterprises were limited to a kind of partizan warfare, to which, it must be confessed, the nature of the country was singularly favourable. Strategy of this nature is always fertile in deeds of personal heroism, it is also the most annoying to regular troops. Often vanquished by Cæcina, Severus, and Lepidus, but never totally subdued, these barbarians, when an attack upon one point failed, separated, to appear again at another, where their presence was the least expected: if pursued, they fled to the places almost inaccessible by nature, with which the country abounded, and the Roman armies were compelled to weaken themselves by dividing, in order to undertake the reduction of the numerous mountain holds, which were rather robbers' nests than regular fortresses. In this kind of desultory warfare was spent the whole of the year 7, during which nothing decisive had taken place, except the overthrow and destruction of the Mycæi, a Dalmatian horde, by Germanicus. (Dio, lvi; Paterc., ii. 112.)

The harvest of the year 7 A.D., had been a failing one throughout the south of Europe, and Augustus, whose mind was already harrassed by unfavourable omens, and whose anxieties were now doubled by apprehensions of famine, vowed the great Circensian games, *Jovi Optimo Maximo*, as had been done in the Cimbric war, provided the republic might be delivered from the dangers with which it was threatened. Among the Pannonians, the general famine, terribly enhanced in their country by the devastations of war, fulfilled its merciless mission with tenfold vigour, and was followed, as usual, by its sister pestilence; the people reduced to feed upon reptiles, insects, the roots of trees, or whatever unclean

or unwholesome thing was at hand, and broken down by misery of every kind, began to sigh for peace, or, at least, for an intermission of their wretchedness; but Tiberius required, before he would listen to the most distant proposal for a treaty, that arms of every kind should be given up to him, and their experience of Roman faithlessness and cruelty was too recent and too deep to permit them to place themselves unconditionally in his power (Dio, *lv.* 33, 34); hopeless, therefore, of mercy from the exasperated Romans, they persisted in a dogged and obstinate resistance. Thus, the war continued through the course of another year, 8 A.D., during which many towns and strongholds were besieged and taken by the Romans, and deeds of heroism, savouring almost of mythic times, were performed on both sides. The German auxiliaries were particularly distinguished in the course of the heroic contest. Pulio, a German horseman, cast a stone with such force against a strong-looking battlement, that the wall was shattered, and a man, who was leaning thereon, fell into the ditch. At the same time, more violent dissensions, the consequence of misery and misfortune, broke out among the insurgent leaders; treachery, the concomitant of mishap, was not wanting; the Breucan Bato was murdered by his Dalmatian namesake; the Pannonians, deprived of their leader, were easily scattered by the Roman legate, Silvanus; while the Dalmatian Bato, seeing no further hope of success in Pannonia, wasted the country of his allies with almost Roman ruthlessness, and retired into his own land. The Pannonians, without a head, a prey to eternal discord, and harassed by the incessant vigilance of Silvanus, whose entrenched camp was established in their boundaries, at last submitted, and Silvanus granted them peace; but multitudes of outlaws, men who had lost everything, even hope, fled from the lowlands, and sheltering themselves in the fastnesses of the southern part of the country, sallied down upon the Romans, whenever there was a prospect of plunder or revenge. There was no longer open resistance in the field, but the strong places in the highlands on the Dalmatian borders, as well as those in Dalmatia itself, often inaccessible from the nature of the country, occasioned no small labour and damage to the Romans. Tiberius had been repulsed at Seretrium, Germanicus had suffered loss before Rhætium, and the Roman general felt the necessity of putting an end to a war which, although the imminence of the danger was over, occasioned a continual and almost insupportable drain of men and treasure. (Paterc., *ii.*, 113, 114; Dio, *lvi.*)

In the spring of the year 9 A.D., Tiberius, on his return from Rome, divided his army into three divisions, two of which he placed

under the command of Lepidus and Silvanus; and, with the third column, he traversed, attended by Germanicus, Pannonia and Dalmatia through and through, marching wherever there was the least show of resistance. Seretrium, at its second assault, was stormed. Bato, who had taken refuge in Andetrium, now Clissa, a castle near Salona, perched upon an almost inaccessible rock, and defended by mountain torrents and artificial ditches, for some time gave Tiberius much trouble; and, at one period of the siege, through the co-operation of his confederates without the walls of the fortress, subjected the besieger almost to the inconveniences of the besieged. Bato himself lost heart during the course of the blockade, and gave himself up to Tiberius; but the rugged mountaineers who garrisoned the fort, regardless of the example of their chief, held out as long as existence within its walls was possible; and, when compelled at last to abandon it, persevered in bitter, though unavailing, hostility. Tiberius hunted them down in the woods like wild beasts; all that were taken were put to the sword; and yet the Dalmatian multitude, desperate and reckless, refused to hear of peace. At Arduba, which was captured by Germanicus, the Roman arms were assisted by internal discord; after a long resistance, the majority of the citizens, feeling that it was hopeless to hold out further, desired to give up their town; but in this they were opposed by the numerous fugitives who had shut themselves up within its walls; and the women of Arduba, dreading the fate which awaited them from the Roman soldiery, supported the strangers, and opposed themselves to surrender. The dispute between the contending parties came to blows, the town was fired in the tumult, the women, reckless of natural ties, took part with the strangers in the battle; and when these were vanquished, and the town was on the point of delivery, caught up their children into their arms, and sprang with them, some into the waves, some into the flames, and perished. (Dio, lvi. 12, 15.)

This was almost the expiring effort of the monstrous contest—a contest not to be estimated by the meagre particulars which we find in Dio, nor the laboured adulations of Paterculus, but by the importance attached to it by the Roman people, by the terror it excited, and the efforts it gave birth to, but still more by the wonderful extent of its duration. For three whole years had these mountain provinces baffled the efforts of a power which grasped the earth, from the Euphrates to the Western Ocean, and yet never had Roman soldiers fought with greater courage, nor Roman commanders shewn more of activity and skill. What deeds of heroism, what endurance, what suffering and devotion, were displayed, during the unequal contest, by these rude, poor, but untameable barbarians,

must be left to the imagination to conceive; we only know that their struggles for a comfortless and miserable independence, ceased but with the power to prolong them; and when Germanicus, in the autumn of A.D. 9, returned to Italy to announce to Augustus and the senate the renewed ascendancy of Rome's fortunes, he brought with him the submission of a desert country, and of a population thinned to a degree, from which, perhaps, it has never recovered.

CHAPTER V.

Varus.

THERE was joy in Rome when Germanicus, leaving his uncle still in Pannonia, towards the latter end of September, in the year 9 A.D., brought the news of the termination of the Dalmatian war. Music sounded in the streets, temples and houses were bedecked with flowers, and innumerable crowds thronged the forum, the bridges, the public places, or streamed along the Via Sacra to the Capitoline or Palatian hills; thanking the gods, and congratulating one another. Gratitude, as large as their former apprehensions, was the prevailing sentiment among all classes of the Roman population. Augustus, the senate, the people, were profuse of their expressions of admiration of the army and its commander; and in the senate it was gravely debated what cognomen should be conferred upon Tiberius: some of the Fathers proposed "Pan-*nonicus*," others preferred "*Invictus*," and others, again, opined that "*Pius*" would be most appropriate to the saviour of his country. These extravagant propositions were warded off by the modesty or jealousy of the aged emperor, who seemed by no means desirous that his own merits should be lost in the glories of his adopted son; but, ultimately, he conceded that the title of "*Imperator*" should be shared by himself and Tiberius; that a triumph should be decreed to them, triumphal ornaments to Germanicus; and that two triumphal arches, commemorating their fame, should be erected in Pannonia. Among the loose and needy population of Rome there was universal contentment, for they were not only delivered from their fears, but their vanity was gratified; and they anticipated innumerable doles and donations, games, triumphs, sights, rejoicings, and gratifications, everything which can delight an idle and dissolute people. (Suet. in Tiber., xvii.; Dio, lvi. 17; Paterc., ii. 117, 1.)

Five days had Germanicus been in the city, in the midst of a continual round of festival, when, towards the evening of the fifth day, the festivities suddenly ceased, and the palaces grew still, men knew not wherefore. Crowds still perambulated the streets; but the music, by degrees, became silent, and a general air of anxiety, of which the cause was unknown, spread over the mighty city. Men surmised vaguely that some adverse omen had occurred, or some messenger of misfortune had arrived; but all was dark and indistinct, till, at length, the terrible truth was divulged. A blow had been struck in a quarter wherein it was utterly unexpected. The Roman army, in the heart of Germany, was not merely defeated, but annihilated; three legions, six cohorts, three bodies of horse, auxiliaries in proportion, commander, legates, eagles, standards—all lost—scarcely a man escaping to tell the story. (Paterc., ii. 117; Suet. in Octav., xxiii.) A slaughter and a disgrace like this had not befallen the Roman people, since the days of Cannæ, and men were almost afraid to contemplate the consequences which might ensue. Italy was exhausted by the Dalmatian war; Tiberius, with legions weakened by the long conflict, was in the distant Illyria; Gaul seemed lost, for it was hard to believe that the German tribes, who had been with difficulty restrained within the limits of the Rhine by the Roman legions and the fortresses of Drusus, would not again cross over into the defenceless country. And what if Marbod, availing himself of the opportunity, should break the peace, and march against the Danube? What was to prevent him from descending into Italy? In Dalmatia the embers of war were still smouldering, and a new insurrection was far from improbable. Nor were disorders in Rome itself beyond belief, for the government was new, and there were many who yet sighed after the ancient liberty. Such were the speculations of the street politicians—such the fear-phantoms and apprehensions which were rife in Rome upon the first intelligence of the defeat which was known, to after times, by the name of the Varian slaughter.

When C. Sentius Saturninus, in the autumn of the year 6 B.C., quitted the Lippe, in order to join Tiberius, the command in Germany was conferred by Augustus upon Publius Quintilius Varus, a man born of a noble, though not of a distinguished family, which was connected by some kind of unexplained relationship with the Cæsars. Little is known of the early life of Varus. In the year 13 B.C., he had obtained the consulship, and the distinction of having Tiberius for his colleague; afterwards he became Prefect, or Pro-consul, of Syria. Varus has been the subject of the extremes of praise and censure. Virgil and Horace have vied in his celebration; they have crowned him with the myrtle and the vine, and

enshrined his memory in scenes of Idyllian beauty; by Paterculus he is described as a man of easy temper and graceful manners; inactive in body and mind; more at home in the leisure of camps in peaceful times, than amid active military duties. Already advanced in years, and accustomed to oriental luxury, Varus was by no means indifferent to money. He had gone, a poor man, to the rich and voluptuous Syria; he had returned rich, and left the rich Syria poor. It must not be forgotten, notwithstanding, that this bitter sarcasm was written after the defeat and death of Varus. Misfortune finds few friends; and the parasite, who makes a divinity of Tiberius, is likely to have little commiseration for the fate and memory of Varus. It must be remembered, also, though not as a justification, that the peculation which is charged upon Varus was not a peculiar fault; long before the time of Augustus, the provinces were regarded chiefly as a source whence the purses of the prodigal nobility might be replenished. Cæsar had sought the Pro-consulship of Spain and Gaul as a means of delivering him from pecuniary embarrassments; and a similar extortion to that which is charged against Varus, in Syria, gave rise to the Pannonian war. Whatever might be the real or relative morality of Varus, a decisive condemnation of his character, as to his fitness to command in Germany, over a rude and warlike people, may be found in the fact that he was one of the circle of pleasant and philosophic sensualists which had heretofore gathered round Mæcenas on the Esquiline Hill, of which Horace was the poet and brightest ornament. Upon the whole, it may be inferred that Varus was a highly accomplished man; one who lived in the most refined literary society of the day, read, philosophised, trifled or drank after the most unexceptionable fashion; profuse, and therefore rapacious; a talker rather than a doer; with a mind filled with faith in the perfection of everything Roman, in philosophy, literature, and law, and with a profound contempt for everything barbarian. Had Varus learned to estimate truly his own powers, or the nature of the Germans, he would have avoided the dangerous mission of making them Roman, and his name might have then come down to posterity as that of a friend of poets, or the agreeable hero of a wine song; but, wanting this better knowledge, he could not distinguish between effeminate Syrians and rough and hardy Germans, in whom he affected to see little of humanity except the form; looked with contemptuous pity or indifference upon their customs, prejudices, feelings, and representations, and imagined that men, who were with difficulty held in subjection by the sword, might be governed by Roman lawyers.

It was a fatal mistake—one which has conferred an unenviable

immortality upon the name and memory of Varus. It were unjust, notwithstanding, to visit upon him the whole extent of the misfortune which befel the Romans from his administration, for it is impossible that he should have proceeded for three years in the course which he adopted, except under the precise instructions of the Roman government. The peaceful aspect of affairs at the time Saturninus quitted the province, the general content and tranquillity, the friendly intercourse of barbarian and Roman, the increasing desire after Roman arts and the Roman language (Dio, lvi. 18), might well delude and mislead the authorities at Rome, and the very character of the governor whom Augustus selected, must compel us to the inference that, in his opinion, the time was arrived when Germany, like Gaul, was to become altogether Roman. Varus brought with him, into Germany, a host of official persons—lawyers, advocates, lictors and other ministers of the law, and all the paraphernalia of a settled and legal government (Paterc., ii. 117, 4), which could not have been done without the concurrence of Augustus, nor would Varus himself have ventured upon an experiment so dangerous as the reduction of independent peoples into Roman subjects, except under the authority of his employers. Not to neglect all reasonable precautions, he stationed two of the five legions which Saturninus had left behind him, as a reserve upon the Rhine, under the command of his nephew, the legate Asprenas, and with his band of civilians, and with three legions, the best, the bravest, and most experienced in the Roman army, six cohorts, three bands of cavalry, a host of allied troops out of the Gallic provinces, in the whole amounting to 50,000 men, he advanced from the Rhine, along the course of the Lippe, into the heart of Germany. (Paterc., ii. 119, 20.) His expedition does not appear to have been intended, like those of preceding commanders, as a mere circuit through the land for the purpose of imposing terror, collecting tribute, and visiting and supplying the various camps and fortresses, but rather to have a permanent character, and to form a settlement, whence Roman law might be disseminated through the country, and where the tribute of the inhabitants might be levied or received. Why else the host of civilians which attended him? Varus accordingly bent his steps towards Aliso, with the intention of fixing his head-quarters at that fortress, or of forming a new camp nearer to the Weser, where he might hold his court, and establish tribunals, jurisdictions, and public offices, as if, according to the expression of Paterculus, he were in the midst of a people inured to, and delighting in peace.

The precise situation of the camp of Varus, like most of the geographical questions which the ancient writers have left un-

determined, has supplied matter for much vague and inconclusive speculation. That it was of a permanent nature may be inferred from the fact of his preparations, and from the circumstances that only a continued exercise of Roman law, on the distant Weser, could have caused the exasperation among the Germans of that vicinity which led to their general insurrection; it may be presumed, therefore, that the greater part of the three years of Varus' government was spent within its limits. Cluverius thinks that Aliso itself was the court of Varus (Cluv. Germ. Ant., iii. 33); Clostermain places it in a new camp at, or near to, Minden; Luden justly remarks that Minden was too distant, and fixes it in a camp by the Weser, but nearer to Aliso. That Aliso, or some place between it and the Weser, was the spot, is, I think, beyond controversy, both from the circumstances particularised by historians, and the position of the Roman army at the time of its defeat. Paterculus mentions *Æstiva* (Paterc., ii. 117, 4); we have seen that the *Castra Scelerata* in which Drusus breathed his last were *Castra Æstiva*, dependant upon Aliso; it is probable, therefore, that Aliso was the winter hold, since it was large enough to accommodate the army of Tiberius, and that a new summer camp—*Castra Æstiva* (the *Castra Scelerata* would, most likely, have been abandoned as a place of ill-omen) was formed, dependant on Aliso, agreeably to the practice of the Roman army, near the banks of the Weser, in the land of the Cherusci, which, in time, might become the central point of Varus's government.

Among the peoples which it was the aim of the Romans to subjugate, the Cherusci, from their position and celebrity, would naturally be the first object of Varus's attention. The Sigambri were completely broken down, the Chatti were approaching to a similar condition, the Bructeri lay too far to the north, but the Cherusci were immediately in the face of the Roman settlements. Their country extended from the left bank of the Weser to the vicinity of the Elbe. Northward it reached as far as the junction of the Aller and the Weser; southward it was bounded by the Harz, then called the forest of Bacenis; eastward it touched the Trophæum Drusi, and the settlements of the Lombards on the Elbe; while on the west it extended over the Weser to the boundaries of the Teutoberger Wald, a portion of the great Wald Osning. (Cluv. Germ. Ant., iii. 77.) By this celebrated forest the Cherusci were separated from the Marsi, a people inhabiting the district north of the Lippe, extending from the Teutoberger Wald to the Rhine, who also appear under the names of Marsaci and Marsatii, and who, as well as the Bructeri, Angrivarii, Chamavi, Tubantes, and Sigambri, were of Istavonic, or Frank origin. The

change of name, which we often find upon the same ground, is not a little perplexing. Sometimes it was the consequence of actual conquest by a foreign nation, but it arose more frequently from the temporary predominance of a particular tribe, which imposed for a time its name upon the whole nation. The Cherusci, owing to their distance from the Rhine, had hitherto come comparatively little into contact with the Romans; Drusus, Tiberius, and other commanders had traversed their country to the Elbe, but had neither formed settlements, nor built fortresses among them. They appear to have yielded themselves voluntarily up to Tiberius, and, more than any other German folk, to have lived in a constant good understanding with the strangers, with whom they had fewer objects of contention, and rarer occasions of dispute than others, and their youth gave themselves up with a more thorough zeal and devotion than any other, to the enchantments of Roman civilisation. But the time had now come, according to the plan laid down in Rome, when all between the Elbe and the Rhine should be added to the Roman empire, and the preparatory step was to bring the Cherusicans more thoroughly under the yoke of Roman government and law. Had Varus been content, like Saturninus, to leave to time the assimilation of habits, there would probably have been as little resistance as in other countries to the gradual introduction of Roman law, for the Roman camp, as formerly, was the resort of the German Adelings, crowded with shops and tradesmen of every description, and the people, captivated, like all barbarians, with the glitter of luxury, more than half disposed to despise and abandon the ruder habits of their fathers. (Flor. Epit., iv. 12, 32; Dio, lvi.) But Varus was blind and precipitate. He recognised no power but his will, and carried his innovations into effect with too much haughtiness, and with too open a contempt for German habits and prejudices. He erected his tribunal in the camp, sat like the prætor in the Roman forum to decide, according to Roman law, the controversies which arose between the Romans and barbarians, and, as it is the characteristic of feeble and vain minds to mistake obstinacy for inflexibility, so he carried his sentences into execution with a cruelty unheard of among the Germans, and hateful to their feelings. (Dio, lvi. 19.) Another consequence of the Roman government was the substitution of direct and weighty taxation for the moderate tribute in gross with which allies were accustomed to acknowledge Roman superiority, and the establishment of a fiscal board to assess, and of a military police to levy it. It will easily be conceived that the underlings of Varus would catch the temper of their master, and that their work would be carried into effect with intentional dis-

regard of national feelings, and the greatest consequent irritation to the Germans; but, of all the instruments of Roman administration, none seem to have excited such intense hatred among the people as the officers and instruments of the law. (Flor. Epit., iv. 12, 36.)

The maxims, and, above all, the administration of Roman law, abhorrent in their very nature to the feelings and habits of free men, were opposed in principle to the natural institutions of the Germans. To men who administered their own law, carried into effect their own sentences, who knew no authority superior to their own, it was hateful that courts in which they had no voice should arrogate a judicial power over their concerns, and that judgments should be delivered, and punishments inflicted by the mandate of a single judge. The German Weiler, or village, consisted of a settlement of houses, each detached from the others, and placed in the centre of a lot of ground, more or less, belonging to it; the cultivated land, the meadows, and the forest, within a certain boundary, formed the Mark, which was the joint property of the Gemeinde, or community, and was enjoyed by the house-proprietors of the Weiler in common. These proprietors were Markgenossen. Only a Wehrman could be a proprietor and member of the Markgenossenschaft. He was made a Wehrman by the public delivery of arms in the Mallus (Tac. Germ., xiii.), or assembly, on the attainment of his majority, until which time he continued under the *mundium*, or tutelage, of his natural guardian. The household of a Wehrman was a Sippschaft, or Maegschaft, and consisted not only of his family who were lodged in the Hof or house, but frequently also of free dependants, generally more distantly related to him, and of serfs, whose number varied with the means of the Wehrman, who dwelt in huts around the Hof, cultivated, with their families, the land, formed his Geleit, or train, in hunting or in war, and for each individual of whom he was legally responsible.

It is obvious that this description can apply only to Wehrmen of considerable wealth; but the same principle applied to all, the difference was only in degree, and the free proprietor of house and land, however small the one, and limited the other, though he had neither slaves nor Geleit beyond the inhabitants of his house, enjoyed equal legal and constitutional rights with the wealthiest member of the Markgenossenschaft. The authority of the Gemeinde or community over its own affairs was complete, and it assembled frequently for their regulation. A number of Marks, or Weiler, united, formed a more extensive association, called a Gau, and the Markgenossen, within the limits of the Gau, constituted the Gaugenossenschaft. This Gaugenossenschaft formed the Mallus, or

great court of justice. It assembled at stated periods, at the new or full moon, upon a certain hill, thence called the Malberg, to decide, according to immemorial traditional rules, the controversies between individuals which were submitted to it (for every free German had the choice of the Fehde, or Feud, or the decision of the Mallus), and their sentences rather resembled the awards of a court of arbitrators among neighbours than the commands of legal authorities. The decision of the Mallus was pronounced by an Adeling, the Fürst of the Gau, or by the Graf, or elder of the assembly; and though the Wehrmen distinguished by noble birth, wealth, age, eloquence, or personal attainments, would naturally take the lead in the discussion of the verdict, every free proprietor of the Gau had a voice in its decision. Wrongs of all kinds were compensated in these rustic courts by the assessment of certain easy penalties; even homicide, among a rude and warlike people the most common of all offences, required no sanguinary atonement, but was satisfied by a certain fine, computed in latter times in Solidi and Denarii, but then by a certain number of sheep, oxen, or horses, according to the circumstances of the case, which were paid the family of the deceased, and accepted by the latter as a full atonement. (Tac. Germ., xxi.) The Fehde was thereby extinguished. There were no after evil thoughts, no brooding over revenge; for the accident of a man being slain in an open quarrel was too common to be regarded as a bootless offence; it might happen to anybody; nor did the shedding of blood require blood to be shed. Only traitors and cowards were punished with death; even slaves, in those early times, were not subjected to capital punishment.

The great principle of German law was compensation; that of the Roman, punishment. The principle on which the former was administered was the arbitration of equals; in the latter, the sentence emanated from despotic authority. The boundless and irreconcilable difference of the two systems in form and substance is consequently manifest; and when Varus, therefore, commanded the disputes of the barbarians with Roman merchants and soldiers to be brought before Roman tribunals, argued in the Latin language by professional lawyers, decided according to Roman law, without regard to German principles, and caused a sentence, of which the grounds were inexplicable, and the terms unintelligible to German minds, to be delivered in writing, and in a speech of which they were ignorant, he did more to undo the work of Saturninus than any military outrage could effect. (Flor. Epit., iv. 12, 32.) Neither did the sentences so delivered remain waste paper; for Varus, in the pride of his Roman principles, carried his decisions into execution with all imaginable harshness. Never before had

the Germans beheld the backs of freemen bleeding under the lictor's rod; never before had the heads of Germans fallen under Roman axes; yet these were not unfrequent consequences of Varus's system of administration. The levying of tribute, the exaction of cattle and provision, for the support of the troops, gave rise to innumerable collisions. A party of Roman soldiers, armed with the præfect's order, would appear in a Weiler, and take, perhaps, the best oxen they could find. The Markgenossen, knowing nothing of a Latin writing, and caring little for its authority, would resist, and hesitate little in slaying the aggressors; and it would appear, above all things, unjust and hateful to the Germans, that such a natural vindication of natural rights should be punished with death by the Romans. He paid neither tax nor contribution to his own Fürst, to whom, in times of emergency, he brought his voluntary gift. (Tac. Germ., xv.) Why should he pay them to the Romans? What wrong could there be in resisting wrong by force? Varus, however, saw with different eyes, and was determined to bring him under the dominion of the law. It is probable that he would repress, as far as possible, the plundering and robbing which were inseparable from a Roman army; but it was the legalised plunder, the authorised robbery, which excited the discontent of the Germans. Thus three years passed on with unspeakable discomfort to the people; every day multiplied the spoliations of the Roman soldiers; every day extended the detested jurisdiction of the lawyers. No man's house was safe. He who had never been taxed was called to give up his oxen; if he demurred, they were taken by force; if he complained, he was beaten; if he resisted, his house was burnt, and himself dragged before the Roman tribunals, where lawyers enlarged, in an unknown tongue, upon the crime of rebellion, and the head of the unwitting German fell beneath the axe. Of all the vexations which the Germans endured, the visitation of the lawyers was felt to be the most intolerable. They could not endure, they could not comprehend, that strifes, which among them were invariably decided by weapons (Paterc., ii. 118, 1), or the verdict of Wehrmen, should be discussed and judged by a servile class, which had neither land nor sword, and, consequently, no judicial right. Hence the bitterness with which the ministers of the law were regarded; hence were they likened to vipers which hiss and sting; and hence, in the day of vengeance, the unfortunate lawyers found no mercy at the hands of the embittered barbarians. (Paterc., ii. 117, 118; Flor. Epit., iv. 12; Dio, lvi. 18.)

But the day of revenge was not yet come. The people suffered and murmured under the exactions and insults of civilians and

soldiers, but looked around in vain for the means of deliverance. There were none to unite, none to lead them. Their natural chiefs, the Adelings, who had heretofore held it a baseness to be equalled in valour, were in the camp of Varus, absorbed in the round of Roman enjoyments, and infatuated by Roman arts. For, while Varus regarded little the complaints or opinions of the German freeholders, he paid attention to their princes, whom he admitted to his table and society; nor can it be a subject of astonishment that such attentions and intercourse were, to a certain degree, successful. The ancient wooden roof—the halls which had so often resounded with songs of heroes, were abandoned for the Roman camp. The hereditary sword rested in its scabbard (Flor. Epit., iv. 12, 32), while the dependant people grieved and murmured in vain over foreign tyranny and the decay of the elder virtue. Those of the barbarian Wehrmen who could not restrain their lust of military glory, enlisted in the Roman ranks, and fought under strangers' banners. That there were some among the Adelings who saw with other eyes, and longed for the means of redressing the common sufferings—that there were thousands of Wehrmen, who waited only the call of their chiefs to struggle for the common freedom, it is impossible not to believe. But how? The power of Rome appeared so firmly established; no people which had resisted it had ever prospered; the boundaries of Roman rule had never receded, but had continually embraced a wider and a wider circle; and there was such a superstitious faith in the star of Rome's ascendancy, that numbers believed that the dominion of the world had been decreed to her from the beginning of time.

The land of the Cherusicans, within the borders of which Varus had established his camp, was divided, like the greater part of Germany, into a number of independent Gaus, each of which was under the government of a Fürst, elected by the Wehrmen out of a certain Adeling family, and which were united only for some special purpose of council or of war, under the temporary rule of a single leader. The number of the Cheruscan Gaus cannot be ascertained; three, if not four, of their little independent commonwealths are mentioned by the Roman writers, and there might, possibly, be a greater number; for six Adeling families in Bavaria (*Lex Baivr.*, Tit. ii. 20) are enumerated in the Bavarian law; and an ancient chronicle, speaking of the year 810, informs us that among the Saxon people were twelve *Edelinge*, who ruled the land independent of each other, of whom one was elected provisional king, in case war made a national union necessary. (*Witibald. Chron. Theot.*, A.D., 810; *ap. Lindenb. 1347 ad verb. Adelingen.*) This picture of the Saxons of the ninth century appears to me to represent exactly the con-

stitution of the Cherusicans in the first. As the subdivision of the Germans appears, in its oldest form, to proceed from a natural, or clan-like principle, there might be an affinity of blood, more or less remote, among the Adeling families of a particular race; and, among the Cherusicans, the Adelings, whose names have been preserved, seem to have been related to each other, though there is some confusion, the consequence, perhaps, of equivocal terms, or hear-say information, in the statement of the ancient writers as to the precise degree of connection. Segestes, Inguiomar, and Segimar, the three princes whose names have been recorded, would appear, for example, from the Roman accounts, to have been brethren; for Segimar is said to have been the brother of Segestes, Inguiomar the uncle, and Segimar the father, of Arminius; and yet it appears, from other notices, that such cannot have been the fact; nor can we reconcile the discordant statements, unless we assume that there were two Segimars, the father of Armin, and the brother of Segestes. (Tac. Ann., i. 71 and i. 60; Paterc., ii. 118, 2.) Whatever were their precise relationship, these princes appear to have lived in unbroken friendship with the Romans until the period of the conspiracy against Varus. Segestes, in particular, whose Gau was on the left bank of the Weser, and extended to the Teutoberger-wald, forming the present principality of Lippe-Deimold, from its situation in more immediate contact with the Roman establishments, seems from the first to have attached himself, heart and soul, to the strangers; and the camp of Varus was established within his territory. He had followed and assisted the Romans faithfully in their campaigns, his attachment had been rewarded with the title of Roman citizen, and his son, Segimund, had been placed by the Roman authorities in the high dignity of the priesthood in Ara Ubiorum. (Tac. Ann., i. 57.) Besides this son, Segimund, Segestes had a daughter, named Thusnelda, who was destined to exercise no unimportant influence over the fortunes of Armin and the Cherusicans. Both the children of Segestes were unlike their father in disposition; for they are described as good and noble, while Segestes is painted by his Roman allies as mean and envious, impatient of superiority, yet destitute of the qualities essential to command—as one void of patriotic feeling, willing to sacrifice country, honour, self, to the gratification of base and malignant passions. Of Inguiomar, the Adeling who, next to Segestes, played the most prominent part in the struggle of Armin with the Romans, fewer particulars have been preserved, though little that is laudatory can be said; he seems to have been affected with the infirmity of his brother; the merit which eclipsed him was intolerable to his vanity. From the circumstances of his

history, it may be gathered that his Gau was in the southern part of the Cheruscan land, about the Harz, and almost to the verge of the Thuringian forest. Still less is recorded of Segimar, of whom the facts that he was the father of Arminius, and a frequent guest at the table of Varus (*Masc.*, i. 77), are almost all that have been preserved. He appears to have ruled on the right bank of the Weser, opposite to Lippe, in those parts of Hanover and Brunswick lying along the course of the river from Hörter to Minden. Segimar had two sons, of whom one was named Armin, or, more properly, Hermann, Latinised by the Roman historians into Arminius; the other, according to Tacitus, was called Flavius (*Ann.*, ii. 9), a name which is not German, but was probably conferred on him, on account of his yellow hair, by his Roman comrades; for his whole life was spent, by his own choice, in Roman camps, and he lived and died a Roman soldier. The Segimar who was the brother of Segestes is said, by Strabo, to have had a son called Sesithacus, and Tacitus adds that "Segimar, the brother of Segestes, and his son, gave themselves up to the legate, Stertinius, who had been deputed by Germanicus to receive their submission (A.D., 15), and that they were carried by the legate to the *Civitas Ubiorum*." (*Strab.*, vii.; *Tac. Ann.*, i. 71.) It is scarcely possible, therefore, that this Segimar and the father of Arminius can have been the same.

The name of Arminius has pierced the darkness of almost twenty centuries, and still shines a star in the night of time. Of all the Cheruscan Adelings, he only is unstained by crime or weakness. He stands alone, like no one else in history; for no one, in Grecian or Roman times, has extorted, as he has done, from unwilling and supercilious foes the meed of such disinterested and glorious praise. His birth, his manly beauty, his strength and skill in arms, his genius, and a quickness of intellect beyond barbarian wont, have been celebrated by his enemies in terms which cast all others into the shade. (*Paterc.*, ii. 118, 2.) From early youth he had lived in the Roman camps, where he had acquired their arts and discipline; had attended Tiberius in his campaigns; and, young as he was, had been created a Roman citizen, and honoured with the insignia and privileges of a Roman knight. (*Paterc.*, ii. 118, 2.) Not yet four and twenty, he commanded in the camp of Varus one of the bands of allies which the Cherusicans were bound to contribute to the Roman service; and he seems to have acquired over the mind of the Roman commander an influence not to be shaken or approached by other Adelings, but which brought upon him the bitterest hatred of Segestes. And, while the young Arminius enjoyed the favour of the Romans, he lost not the affection of his

homely Germans, who looked to him as their only protector; and, amidst the oppressions and vexations of the Roman government, there was many a blue eye turned to him for consolation or redress. This confidence could not arise from birth or physical qualities alone; nor from his reputation for capacity and courage; but it was because he continued a German in the midst of Roman luxury, protected and preferred his folk whenever he could, repaid their love with love, and their faith in him with trust in his native country. What could Rome offer him of glory or honour like being the head of a free people? What luxury was so sweet as their voluntary affection? Yet, distinguished as Arminius was by personal virtues, and the popular favour, it was his lot—it has been the lot of many a hero—to pass through life pursued by the hatred of princely equals.

It is impossible that, with such endowments, Armin should regard with indifference the preparations of Varus for the complete subjection of the Cheruscan land, or witness, without sorrow, the misuse of power under which the Cherusicans suffered. The warlike achievements of the Romans he could understand and respect; but the rule of civilians would be opposed to every traditional image of German heroism. How could a Wehrman submit to such a rule? How could a Recke, a descendant of the gods, spend an inglorious life, or a servant of Rome appear in Wodan's halls? Yet was deliverance a difficult, almost a hopeless, task. The enterprise demanded the caution of age, as well as the courage of youth; nothing less than a common union of the nations could secure success; and to unite the various denominations of the German race, separated as they were from each other by peculiar interests, and the jealousies of their leaders, in a common struggle for the independence of their country, was an undertaking beyond the expectations of the most sanguine. The too sensitive patriotism of a German historian has endeavoured to vindicate Armin from the charge of employing treachery with Varus, and represents him as appearing at the head of the Germans only when all his obligations to Rome had been honourably absolved. It is useless here to discuss the question, how far deceit, under certain circumstances, may be justified or excused; but that Varus was imposed upon appears to me an incontestible fact.

All the Roman historians concur in speaking of a conspiracy of which Armin was the head, nor is it possible, indeed, that an event of such magnitude could have occurred without pre-concert, nor does there appear, among the Germans, any leader but Armin of sufficient genius and ascendancy to be the spring and centre of so great a combination. The conspiracy may not have been of the date which

Dio assigns to it (Dio, lvi. 18), the first entrance of Varus into Germany; it is more likely that the conviction of its necessity was gradual, the consequence of the harshness of the prefect, his misuse of the German people, and of the exactions which the maintenance of so large a body, military and civil, would render unavoidable. Paternus states not only that there was a plot, but that Armin was its origin and contriver. At first, he says, he sounded a few, who came into his views, then a greater number; showed them in what manner and by what means the Romans might be brought down, and spared neither persuasion nor threats to bring them over to his designs. The conspiracy was known to all the German Adelings in the camp of Varus, who, with the exception of Segestes, appear to have given it a hearty concurrence. Segestes went so far as to reveal it to Varus, by whom the information was received with incredulity, if not with contempt, though the plan was no less than one for a general rising of the nations of the north of Germany. (Patern., cxviii. 3; Flor. Epit., iv. 12, 33, 34.) A certain people, considerably distant from the Roman camp, apparently the Ansibarii, who dwelt on the right bank of the Ems, in the country between that river and the Weser, from Minden to Bremen, ventured to take arms against the Roman government. The insurrection was either preconcerted by the conspirators, in order that Varus, on his march to suppress it, might be entangled in the forests, and the more exposed to attack at disadvantage, or it was a sudden and unforeseen outbreak, the consequence of mishandling by the Roman soldiery, of which the conspirators chose to avail themselves. Intelligence of the rebellion was brought to Varus in the first week of September A. D., 9, and he, resolving, as the confederates had foreseen, to suppress it in its infancy by marching with his whole army to its seat, gave immediate orders for the breaking up of the camp on the following morning, and invited the German princes, for the last time, to his table to enjoy the luxury of a Roman *cœna*. They appeared, upon his invitation; Armin, Segimar and Segestes, among the rest, and the latter availed himself of the occasion to urge the insurrection of the Ansibarii, as an additional proof of the conspiracy which had been before revealed by him, and so incredulously received by Varus. He implored the Roman general, while there was yet time, to arrest, on the spot, himself, Armin and the other Adelings present, as the only means of averting the impending catastrophe, "for the people," said he, "will not stir without their leaders," and he warned him, in impressive terms, that the time would come when he would repent his blindness, and distinguish, too late, the innocent from the guilty. (Tac. Ann., i. 55; Dio, lvi. 19.) Whether Varus was still con-

fidant in his own sagacity, and in his contempt of German power, or whether misgivings upon this earnest appeal crossed his mind, the consequence was the same. He was not the man for action; and, affecting to make light of the accusation of Segestes, he let slip the opportunity—the last opportunity of salvation. At table he communicated to the princes the plan he had decided upon with respect to the suppression of the rebellion; spoke in pompous terms of the chastisement he intended to inflict upon the insurgents; and directed them to follow, with their contingents, the immediate march of the legions, thinking, perhaps, by keeping them within his reach, to render them, at least, innoxious, and retain them by that means, as Cæsar had done his allies in Gaul, in an unwilling allegiance. In pursuance of these arrangements, Varus commenced his march early the next morning, and the Germans prepared to follow. To avoid the appearance of distrust in them, he proceeded on his route, at first with an affected negligence, and, being yet far distant from the insurgents, displayed an ostentatious security, as if the way lay through a friendly country—the legions, far divided, in the midst of a train of waggons, encumbered with baggage and the tradespeople, women and children, who had long found a home in the Roman camp. Some of these camp-followers, when the camp was broken up, had retired to Aliso, but the greater number, with the civilians, anticipating an expedition of a few days' duration, attended the march of the army. (Dio, lvi.)

With the departure of the Romans from their camp, burst forth the flame of general insurrection. The German Adelings purposely lagged behind while the signal of revolt was carried from Gau to Gau, and crowds of Recken hastened from the neighbouring districts to take part in the day of deliverance. Far and wide spread the intelligence and the agitation, but it was chiefly among the Cherusci, the Chatti, the Marsi, the Bructeri, and the Sigambri, those who had been most in connection with the Romans, that the greatest exasperation prevailed, and the greatest activity was manifested. Wherever, throughout northern Germany, Roman soldiers were found without the walls of their fortresses, they were set upon and slain; Roman merchants were plundered and murdered, a hatred of Rome was a bond of union which all joined in, and all understood. Nor did the people need the urging of their Adelings, though, in most cases, the Adelings were not backward; Segimund, the son of Segestes, he who had been made priest at Bonn by the Romans, tore his fillet, and fled from his temple, that he might join his countrymen in the Fatherland's necessity. (Tac. Ann., i. 57.) Where chiefs were lukewarm, they were forced into the rising by the irresistible pressure of the people; even Segestes himself, the

firm and ancient friend of Rome, was carried away by the torrent, and compelled to take an active part in the war against the Romans. (Tac. Ann., i. 55.)

While a general ferment thus pervaded the whole land, from the Elbe to the Rhine, the Romans, apparently unconscious of the storm which was gathering round them, were proceeding slowly down the banks of the Weser. But soon appearances of a suspicious character manifested themselves, and soon they became ominous. The Adelings, with their auxiliary forces, still kept themselves aloof from the Romans, while partial disputes and collisions began between parties of Germans and the Roman soldiers in the rear, which Varus affected to consider as ordinary camp-squabbles, and threw the blame upon the soldiers, forbidding them to draw their swords upon the barbarians, and punishing some who, in disobedience of his order, defended themselves by arms. It is scarcely possible that the intellectual blindness of the unfortunate commander could be so complete that he still mistook the temper of his allies; it is far more likely that he deemed it the more prudent course to shut his eyes to their hostile bearing, and to continue, as long as possible, the semblance of confidence in their fidelity. But with every hour more unequivocal signs of animosity displayed themselves. In his front, the road through the forest was blocked up with trunks of trees felled for the purpose; behind, the crowd of camp-followers which loitered after the army, were set upon by the Germans, and driven in among the troops; the attack was then extended to the troops themselves, and Varus could no longer mistake his situation. And now Nature herself took part against the Romans. Storms of rain poured upon the unprotected soldiers, and drenched them to the skin; prodigies displayed themselves in the heavens, and on the earth,—meteors in the sky, columns of hazy and moving light, spears of fire gleamed and darted in the northern heaven, and things and animals moved against the wont and use of Nature. (Dio, lvi. 24; Manil. Astron., i. 826.) The minds of the bravest were shaken, and the cold and the rain, and the many hours' want of food and rest, wearied out the strongest. In the midst of these terrors and distresses, the attacks of the Germans were incessant; many Romans fell, numbers were wounded; the multitudes were pressed in among the wag-gons, and it became difficult to maintain a semblance of order; when, at length, Varus, having reached a more convenient place—an eminence surrounded by a wood—commanded a halt, and proceeded to mark out an encampment, with the view of giving rest to the troops, remedying the general confusion, and restoring something like discipline and order. In the course of the night he

adopted such precautions as were still possible, to ensure the common security, drew the legions closer together, burnt the greater number of his waggons, and the luggage which was not immediately essential he destroyed and left behind. Here, also, he appears to have changed the course of his operations. All idea of punishing the insurgents of the north was for the present given up, for it was no longer a question of victory, but of safety, and every man's thoughts were now bent only upon deliverance. How to reach Aliso, and the high road to the Rhine, was the grand consideration which occupied the mind of Varus. It was impossible to return by the way he came, for it was cut off by the German confederates. He had not self-confidence to strengthen himself on the spot until information could be given to, and help obtained from, Asprenas; but, with the precipitation of a desponding man, he determined to turn at once to the left, and take, through doubtful and unknown roads, the shortest way to Aliso. (Dio, lvi. 20, 21.)

The next morning, therefore, the army, on breaking up, moved in a new direction. For a time the march lay through a more open country, and the Romans, less encumbered by baggage, were enabled, though not without loss, to maintain their ranks, and preserve some of the pride and advantages of discipline. But soon they became entangled in a dell among the wooded hills of the Teutoberger-wald, from which there was no outlet. They suffered much from weariness, as they traced the long, boggy valley upwards towards the ridge of the wald—much from the missives, stones, arrows, and lances, with which the enemy, protected, themselves, by the forest, and accustomed to such warfare, plied them incessantly from above. The rain fell in torrents, and the Romans, after a miserable day, wet, weary, discouraged, with hopes fading, and numbers every instant decreasing, came, towards evening, to a second halt. Their route appears to have lain between the sources of the Ems and the Lippe, southward of the former, and to the north of the latter. Though there are many localities in the county of Lippe—Variburg, Varenholt, Varendorp, Barntrop,—which, after the lapse of eighteen hundred years, preserve the memory of Varus, it is impossible to fix the exact line of march, or to determine, with precision, the situation of this last encampment; but the village of Winfeldt (Wine-field) (Monum. Paderb., xxiv.) has been supposed to commemorate the recollection of the combat, and, certainly, was not far distant from the field whereon it took place. As soon as the Romans had reached this spot, they began to throw up their customary entrenchments; but there was neither opportunity nor time, nor had the men strength to complete the works, which appear, in consequence, to have been given up, and they sat

in their miserable position, hungry, wet, weary, sullen, in momentary expectation of an assault by the Germans, some almost indifferent to life, some anxiously contemplating the morning's danger. But Armin suffered the night to pass quietly over. He knew that the prey, entangled in mountain and forest, the source of great rivers, naturally marshy, and the marshiness increased by the rains, could not escape him; and, in the mean time, his own force was increasing hourly. Recken, with their Geleite, were thronging from distant parts, to participate in the work of freedom; even those who, from dread of the Romans, had hitherto held back, now that the situation of Varus appeared to be past hope, pressed forward—the noble, for the love of fatherland; the mean, for the prospect of plunder; the sufferer, in the hope of revenge. All the wrongs, all the oppressions, of the Romans, from the first ravages of Caesar to the judicial murders of Varus, were now to be paid off; all the sufferings and tears of German mothers were now to be atoned. Armin, conscious that the decisive day was at hand, spent the night in concerting with his brother Adelings the work of the morning, in welcoming new comers, and in refreshing and strengthening the people with words and food. For there was no want of food in the German camp; it was a holy duty to their country to supply her warriors with abundance: and, while the Romans shivered in cold and hunger, the Cherusicans and their allies, whose habits made them careless of shelter, passed the night in feasting and festivity. Again they recalled to each other's minds the recollections of their ancient freedom, and the deeds of former days; again the songs of their heroes resounded in their camp, (Diod. Sic., lib. v. de Germ. et Gall.), and praises and thanksgivings to Donar and Wotan echoed among the wild and dreary hills, and swelled above the howlings of the storm. (Dio, lvi.)

At length the morning—the last which Varus was destined to behold—broke darkly and ominously over the Teutoburger-wald. No Morgenröthe appeared as the herald of deliverance; but the rain still drove, and soon arose a tempest, so violent that it was impossible for the heavy-armed Romans to advance, and difficult even to stand firmly on the marshy and slippery ground. Bows had become useless from the wet, shields and spears glittered no longer in military pride, and armour and clothing, drenched by the rain, sat heavily and uncomfortably on the benumbed and desponding soldier; the Germans, on the contrary, of powerful make, clothed in skins, and accustomed to the climate, recked little of the inclemency of the weather, but, excited by visions of victory, believed that the gods of their country were descended in the storm, and that Donar himself was fighting on their side. With the

earliest light, dim as it was, Varus saw that further progress was impossible. There was no outlet in the front; behind, the passes were blocked up by parties of the enemy, and on every surrounding eminence might be seen, magnified through the mists, the huge bodies of the Germans, watching the sacrifice, and impatient for the slaughter. Armin at length gave the signal, and the assault was begun. He stood himself on high, to direct the battle. From all sides the Germans pressed upon the Roman camp, whose unfinished works afforded inadequate protection; but the Romans, feeling that they fought for their last stake—life, roused themselves, and fought with the desperation of men who knew there was no mean between victory and destruction. The sound of the trumpets, the clang of weapons, the cries of wounded men, the terrible *Barritum*—war-song—of the Germans (*Tac. Germ.*, iii.; *Veget.*, iii. 18), and their shouts of victory, were mingled and confounded with the howlings of the blast. It was the war of men contending with the war of elements. But, weakened by former losses, exhausted by the want of food and the violence of the storm, and wearied by struggling through the marshy soil, the valour of the Romans was hopeless from the first; their numbers were every moment diminishing; wherever they gained a temporary advantage, Armin poured fresh force, and it became evident, to the most sanguine, that nothing was left to them but to die upon the field. Varus himself was among the first who despaired. He had been wounded in the combat, and, oppressed by pain, shame, and horror, dreading, perhaps, captivity among an embittered enemy, and, still more, the account which Rome would require of him, he fell by his own hand. With the death of Varus there was an end of order; many tribunes and centurions followed the example of their leader; and many, like Eggius, one of the camp prefects, sought a nobler death at the hands of the enemy. Cegonius, the other camp-prefect, proposed that they should lay down their arms; and the legate, Vala Numonius, another of Horace's epicurean friends (*Epist.*, i. 15), leaving the infantry to their fate, endeavoured with the horse to cut his way through the Germans, in the hope of reaching the Rhine. But all perished—legates, prefects, the noble and the base, those who would die upon the spot, those who attempted to fly, and those who desired to surrender in the hope of saving their lives, slept the long sleep in the *Teutoberger-wald* together. In the camp it now became a massacre; there were no commanders, no eagles, no standard-bearers; and the surviving Romans, crowded together without order, and hopeless of escape, ceased from the useless combat, and were made prisoners. Only a very small number escaped, by a

singular accident, while the Germans were busy in plundering the baggage, and, favoured by the darkness of the night, succeeded in joining Asprenas, who appears to have advanced from the Rhine, probably with the view of supporting Varus in his operations. (Dio, lvi. 21, 22; Tac. Ann., i. 61; Paterc., ii. 119, 2, 3, 4; Flor. Epit., iv. 12, 34, 35.)

The memory of Varus has found none to vindicate it. Horace and Virgil had many years been dead, and, of the living literati who had been proud to style themselves his friends, not one ventured a word on his behalf. How many, indeed, of those who joined in the cry against him, had reclined, often, at his luxurious table! It is the same oft-repeated story of adversity; the same moral whose truth is carelessly assented to by the prosperous without any actual belief (for no man is instructed by the experience of others), but which the fallen find a terrible reality. It was well for Varus that he was spared the bitter lesson. And when, at the distance of nineteen centuries, we consider, dispassionately, the character of the unhappy man, we cannot but be sensible, that whatever might be his virtues and accomplishments, he was utterly unequal to the task of governing a fierce and half-civilised people. Overweening, in ordinary circumstances, from the consciousness of superior cultivation, in difficulties he never struck at the decisive moment; at first there was a contemptuous security, then came management—the resource and bane of the feeble and the vain; with increasing difficulties followed precipitation, and, finally, came despair. With respect to the last act of Varus, the ancients (though obvious and unanswerable arguments are suggested by reason against suicide) saw no immorality in its practice, and, among the Romans, it was esteemed to be not only in accordance with morality, but it was also, in certain cases, authorised by law. The father and grandfather of Varus had both fallen upon their own swords (Paterc., ii. 119, 2; Dio, lvi. 21), the former at Philippi, the latter, apparently, at Pharsalia; there were many great examples to justify the custom; but never had a truly great man withdrawn himself, by a voluntary death, from the conflict while hope remained, or there were duties to be performed. Varus, who ought to have been the last man upon the field, was the first to set a miserable example. It is not that his suicide is, according to Roman morality, to be censured, but he is to be blamed for abandoning his charge while the fight was yet continued, and thousands were looking to him for direction and salvation.

And now arose, among the Teutoberger hills, the shout and song which proclaimed to the folk of the Gaus of Germany that their freedom was restored. There lay the Roman army on the blood-soaked earth; the few who had escaped the sword were in the hands

of the victors; there was no longer a Roman province beyond the Rhine, for that day had delivered the soil from the strangers and freed the people from a grinding tyranny—a tyranny which no future efforts of Rome could re-establish. O that such a day, so rich in fame, blessing and honour, should have been sullied with cruelty to the captives! The surviving tribunes, and the centurions of the first class, were sacrificed to the gods (*Tac. Ann.*, i. 61); the civilians, especially the lawyers, were subjected to unspeakable torments. Of some, the eyes were torn out, of others, the hands—hands which had been busied in the writing and subscription of criminal sentences—were cut off, and of one man, a lawyer, a German cut out the tongue and sewed up the mouth, exclaiming: “Now, viper, thou wilt hiss no more.” (*Flor. Epit.*, iv. 12, 36, 37.) These atrocities rest upon the authority of the Roman captives, who afterwards effected their escape, and they are too minute and particular to leave any reasonable doubt of their authenticity. With regard to the immolation of the centurions, the only excuse is the rudeness of the age, and the sanguinary character of all heathen superstitions; respecting the more deplorable cruelties, we can only conjecture that they were the consequences of individual revenge, perpetrated in the intoxication of the moment, and hope that the number of such cases was very few. That there was no general massacre of the prisoners is admitted by the Roman historians. Dio informs us that many of the captives were, by the emperor’s permission, afterwards ransomed by their relatives, under the condition that they should never again set foot in Italy (*lvi.* 22); Tacitus refers to the survivors—“those who escaped the slaughter and the slavery” (*Ann.*, i. 61.); we have the authority of Seneca (*Epist.*, *xlvii.*) to assure us, that many Romans, of senatorial dignity, men nursed in the lap of luxury and splendour, were reduced, by the overthrow of Varus, to pass the remainder of their lives in the humble capacity of shepherds and cowherds to the Germans; and there were some, as we learn from Tacitus’s history of the reign of Claudius, who, after two and forty years of German servitude, returned to their native country. (*Ann.*, *xii.* 27.)

Among the spoils of the slaughter the eagles and the standards were the objects of universal exultation to the overweening victors. Two of the three eagles had fallen into their hands, the third was preserved from their insults by its bearer, a young man whose name has not been recorded, who, taking it from its staff, concealed it in his girdle, and found means to sink it in the depths of a marsh. (*Flor. Epit.*, iv. 12, 38). The other two glittering ensigns, symbols, like the bird of Jove, of universal dominion, were suspended in a sacred grove, amid the general mockery and scorn, as a monument of the field which had been won; but a more fearful

monument were the bodies of the slain, which, heaped one upon another, crowded the centre of the camp, and to which no funeral rites were destined; for it was the intention of Armin that the bones, bared and bleached by time, should remain a memorial, through future ages, of Roman oppression, and its punishment. Varus, himself, had been hastily buried by some friends—for burning, which was attempted, was found impossible—in the hope that the remains of a Roman general might thus escape insult from barbarians; but Armin caused the body to be disinterred, cut off the head, and dispatched it, a fearful evidence of victory, to Marbod. (Paterc., ii. 119, 5; Flor. Epit., iv. 12, 38.) The silent messenger was intended to reproach the pusillanimity which lived in continual awe of Rome, to show how much had been achieved by Germany without his assistance, and to summon him to join them in the defence of the common country against the enemy of mankind. Never was there embassy more eloquent, never was appeal more impressive than that committed to those pale and ghastly lips; but Marbod continued unmoved in his selfish policy, still truckled to Rome, looked askance at all native power but his own, and, far from joining the German confederacy against the Romans, sent a ceremonial embassy to the Danube, to bear, with funeral pomp, the head of Varus Tiberius, by whom the melancholy memorial was forwarded to Rome, where it was deposited in the monument of the Quintilian family. In the eternal city, the overthrow excited an universal horror, and was the occasion of an almost general mourning, for there were few families which had not to lament the loss of a son, a brother, or some more distant relative. To Augustus, himself, it was a blow from which, perhaps, he never thoroughly recovered. He was now an aged man, had been through a long life a spoiled child of fortune; and this stroke, which, at the close of his days, fell upon him in the midst of festivities which he was arranging for the celebration of the Pannonian victory, was almost intolerable. When intelligence of the death of Varus, and the destruction of the Roman army, was first brought to him, he broke out, contrary to his long habits of self-possession, into extravagant and unbounded lamentation; for many months he suffered his beard and hair to grow neglected; and, during the short remainder of his life, observed the anniversary of the slaughter as a day of mourning and ill-omen. It was a pitiful sight to see the master of the world, old and feeble, wandering through the proud apartments of the palatial house, sometimes dashing his grey head against the door, sometimes murmuring, with a querulous voice: "*Quintili Vare, legiones redde!*" (Suet. in Octav., xxiii.; Paterc., ii. 119, 5; Dio, lvi. 22.)

CHAPTER VI.

Chusnelda.

COMPLETE as was the prostration of Roman power in Germany, the day of the Teutoberger-wald could only be regarded as the beginning of a long and fearful struggle. It was not to be thought for a moment that Rome would sit down resigned under the dishonour and the losses she had sustained; or that she would not make extraordinary efforts to restore the ascendancy on which so much of the confidence of her people, so much of her empire and her power, were grounded. The faith in the destinies of Rome, the belief that the world was her inheritance, and that her empire would be eternal, was the natural result of the continually enlarging circle of her dominions. She had never, in ancient times, yielded under adverse fortunes, but had persevered in every contest with unshrinking steadfastness; nor was it wonderful that empire had been the reward of her constancy and virtue. Could she submit to a check like this without shaking the faith in her invincibility? These considerations would not escape the mind of Armin, who anticipated that every nerve would be strained to restore the momentary drooping of Roman fortunes, and that a time of peril was before his country, from which she could emerge successfully only by the courage, patience, skill, and, above all, the union of her children. For there was this fearful circumstance to be taken into account. The immense power and resources of Rome were directed by a single hand, while the Germans, on the contrary, were divided into innumerable tribes, with different and often opposing interests and passions, so that the nation could scarcely be united, even by the sense of common peril. The recent battle had been fought by the Cherusci, the Chatti, the Marsi, the Sigambri, and the Bructeri, nations which had been all exposed to the encroachments of Rome; had all suffered much from her hostility, more from her friendship; had all been exasperated by

Varus, and his host of publicans and lawyers. But even these, notwithstanding their horror of the Romans, could be held together only so long as danger was at their doors. Their never-ending quarrels, not less than the petty strifes and jealousies of their Adelings, rendered a solid and durable alliance almost hopeless, unless it could be brought about by the ascendancy of a man like Armin. Born with all the qualities to win popular confidence, common consent had given him, young as he was, the command in the field of battle; none disputed his pre-eminence in the hour of danger; but Armin, in the full consciousness of the dangers which menaced Germany, felt that a league, of a nature to which the German people were unaccustomed, was essential, and endeavoured to lay the foundation of a national confederacy. From a scaffold, raised hastily on the battle-field, he addressed the assembled Wehrmen (Tac. Ann., i. 61); spoke of freedom, glory, fatherland; reminded them of what they suffered, what they had been delivered from; pointed out the mightiness of the oppressor; shewed that new sacrifices must be made to secure the liberty which had been regained; and, finally, that only an union of all German peoples could preserve their country from the revenge of the baffled enemy. Such words, in such a moment, and on such a spot, could not but find a willing auditory; and a general confederacy was entered into, of which Armin was elected Thiuda by popular acclamation. We know not what might be the feelings of the chiefs of other tribes, to see a man so young raised above them; among the Cheruscan Adelings the elevation of Armin was the source of unending animosity. But the choice of the Wehrmen was not to be withstood, and Armin was raised on the shield, amid the shouts of the assembled nations. The camp was now thronged with spectators; the aged men, the women, children, and all who had not taken part in the conflict, hastened from the surrounding Gaus to see the field, and to rejoice over the wonderful deliverance; and as Armin was borne by the Recken through the innumerable multitudes, the old blessed him; mothers pointed him out to the children as the hero who had saved them from Roman servitude; the voice of warriors, wives, and maidens, raised the song of thanksgiving, and the Teutoberger-wald echoed with sounds which had never before, nor have since, disturbed its loneliness.

While Armin was thus preparing, as far as possible, for the invasion which was to be anticipated, an extraordinary activity prevailed in Rome, where the government was endeavouring to organise a force which might replace the Varian loss, and be in a condition to overawe and overwhelm the Germans. It was at that time a task of no small difficulty, and means of coercion were had

recourse to, which, in the elder time, had been unheard of and unnecessary; for now the warlike spirit of the Romans began to languish under the progress of luxury, and the destruction of public liberty; and the youth, emulous only in the pursuit of sensual indulgencies, no longer crowded to the ranks. Augustus was compelled to the most stringent ordinances. Of all free males, under the age of thirty-five, the fifth man was drawn; of those beyond that age, the tenth was taken. Those who shirked the ballot were declared infamous, their property was confiscated, and some of the contumacious were even punished with death. The veterans who had not been already drafted were recalled to the ranks; and a numerous body of slaves, determined also by lot, were compulsively manumitted, and sent off to the army. The German body-guard, which had been regarded with so much favour by the Cæsars, was broken up; and all Gauls and Germans, whether serving in the troops, or dwelling in Rome upon business, were commanded to quit the city. (Dio, lvi. 28.) In Rome, however, the first alarm was over; Dalmatia and Pannonia continued quiet; Marbod was steadfast in the Roman alliance; Gaul remained undisturbed; nor did there appear among the Germans any disposition to approach the Rhine, a reserve wherein we may recognise the coolness and prudence of their leader. For it was not by a casual foray into Gaul that German liberty could be placed upon a secure basis. Armin was too sensible of the odds which discipline gave the Romans, to venture his Germans in a pitched battle upon a plain; he knew that the salvation of his country depended upon availing himself of the advantages of ground, situation, and manner of fighting; upon taking the enemy in his march, or surprising him in the depths of the forest; and decided upon remaining upon the defensive. It is probable that, had he crossed the Rhine, a general revolt of the Belgians against the Roman yoke might have taken place; for there were symptoms of excitement discernible among them, which were suppressed by Asprenas. But the Rhine had been the admitted boundary of Germany for more than sixty years, and the Belgians were so thoroughly beaten down, all connections of blood had been so long obliterated, that neither duty nor prudence advised the crossing of the river. Armin's cares were, therefore, directed to the extirpation of the evidences of Roman domination from the German soil. The camps and strongholds were one by one assaulted and destroyed, a work of no small difficulty; for the Germans had neither skill nor tools, nothing but courage and hatred to oppose to Roman science. But famine was a powerful ally, and in time most of the fortresses fell into their hands. Alise, the oldest and most important of them, appears to have given

Armin the greatest trouble. This fortress was under the command of Lucius Cæditius, who, in the hope of succour from the Rhine, held out to the uttermost, and endured the extremities of hunger; but, at last, seeing no prospect of relief, he determined to make the attempt of cutting his way through the besiegers. In the fortress were not soldiers only, but numbers of unarmed people, of whom some had retired to Aliso on the departure of Varus, and many others had taken refuge within its walls, whom it was impossible to support, and hateful to leave behind. Aliso was also the great repository of stores, and the receptacle of the plunder of Germany. Cæditius, taking with him the helpless people, and as much as possible of the valuable property, availed himself of a dark November night, placed his best troops in front, and endeavoured to break through the leaguer. He was partially successful in forcing his way through the enemies' lines; but the Germans rallied, closed upon his rear, and only the soldiers escaped to the Rhine, where they were received by Asprenas with the respect due to their valour. Some of them, notwithstanding, as well as the unarmed people and the baggage, fell into the hands of the Germans; among them was Calvus Cælius, a young man of ancient family, who, dreading the fate of former captives, dashed out his brains with the fetters wherewith he was bound. (*Paterc.*, i. 120; *Dio*, lvi.)

Tiberius, who had hastened from Rome upon the first intelligence of the Varian catastrophe, undertook the command of the force which was destined to act against the Germans. With a natural tendency to craft rather than to open power, he appears to have made up his mind to risk nothing; and, far from being seduced by dreams of heroism, and the desire of vindicating Roman glory, he resolved to regain by policy, as much as by arms, what had been lost by the recklessness of Varus. He took his way, by the usual route, to the Rhine.

It is probable that, had he demanded of Marbod a passage for his troops from Regensburg, through Franconia, as it was afterwards called, to the Main, it would not have been denied him, and he might have come upon the Germans by a direct route, and from a quarter where he was least expected. Too cautious, however, to commit himself, amid the Hercynian wild, into the hands of Marbod, and dreading the concentrated power of the Suevi far more than the irregular and ungovernable valour of the northern Germans, he proceeded, by the usual circuitous route, to Mainz, where his presence at once suppressed all tendencies to insubordination among the Belgians. Well acquainted with the character of the German people, aware that time would be a more valuable auxiliary than weapons, and that the union of the moment, if unopposed, would

dissolve of itself, Tiberius, on his arrival upon the Rhine, was in no haste to pass the river, but spent the year in disciplining his recent levies, in inspecting and repairing fortresses, and in doing whatever prudence suggested to restore the temper of the army, and to render the Rhenish boundary impregnable to an assault of the barbarians. With this intention, he conceived the idea of raising a series of forts on the right bank of the Rhine, by means of which, the approach of the Germans to the river should be altogether cut off; and it is probable, though the historical notices of the events of the next three years are meagre and unimportant, that the northern portion of the line, which was afterwards known by the names of *Vallum Romanum* and *Pfahlgraben*, by means of which a free communication between the Danube and the Rhine was ultimately secured, was commenced by Tiberius within that period. The work, originally a line of small detached castles, which were afterwards connected by a mound of turf upon a foundation of stone, strengthened also by a stockade and a ditch (whence the names *Pfahlhecke* and *Pfahlgraben*), commenced on the Rhine, near Braubach, passed by Wiesbaden, along the Tannus and Hornburge Höhe, towards Friedburg, whence it was carried southwards, probably by Hadrian, in a great circle, to Obernburg on the Main, where it crossed the river, traversed the Odenwald, proceeding through the nether Graffschaft or Catzeheibogen, by Lutzelbach, Vielbrun, Würzburg, Hessilbach, Schlossau, and Grosse Eicholzheim, to the Neckar. It quitted the Neckar at Wimpfen, twice crossed the Jaxt and the Kocher, being carried in an almost direct line, which neither hill nor valley, forest nor morass, was suffered to interrupt, to Gunsenhäusen on the Altmühl, and from thence to the Danube, which it joined near Pföding, a village a little above Regensburg. The work, projected and begun by Tiberius, carried out to a magnificent extent by Hadrian, was perfected by Marcus Aurelius and his successors; and nearly three hundred years after the death of Tiberius, the Vallum was repaired and faced with stone by the Emperor Probus. A work so astonishing, by which the Germans were long restrained from the Rhine, and of which remains are yet in many places visible, was regarded by the superstitious in the middle ages as the work of dæmons, and the epithet of *Teufelsmauer* (Devil's wall), by which it is still popularly known, was bestowed upon it. The space which it enclosed, including the modern states of Darmstadt, Baden, the greater part of Würtemberg, and the whole course of the Neckar, constituted what was called by the Romans *Agri Decumates*, and by the Germans *Zehntländer*, which were assigned partly to settlements of veterans, on the condition of military duty, who were thence termed *Militēs*.

limitanei; and partly leased to voluntary settlers, upon the payment of a tithe of their produce. (Paulus, ii. de Evictione.) Thus, by the Vallum Romanum, the approach to the upper Rhine was cut off, Helvetia and its passes were covered, Italy was safe, and the Teufelsmauer continued to be an effective boundary, until general corruption had destroyed the force of the legions; for walls are useless when there is no longer courage to defend them.

In the summer of the year 10 A. D., Tiberius directed an expedition across the river, apparently rather with the intention of exercise than with any views of settlement. He strictly commanded that the army should not encumber itself with baggage, and that no individual should carry with him more than the most indispensable necessities; and, in order to ensure obedience to his commands, he stood, himself, upon the bridge as the troops defiled over it, and examined the waggons whenever anything suspicious presented itself. He himself set the example of a soldier's life—ate his meals upon the bare ground, often slept without the shelter of a tent, took his watch like others; issued all orders in writing; adding the injunction, that whenever the least unforeseen occurrence took place, no one should hesitate to come to him, at any time, night or day, for instructions. (Suet. in Tiber., xviii.) In this manner Tiberius sought to restore discipline, and to inspire a military spirit into his new Italian levies. The precise direction of his march is unknown, but, from a passage of Tacitus, it appears to have been in the direction of the Cæsian Wald, a forest extending northward of the Lippe, beyond the sources of the Yssel, in that part of the province of Munster, which lies between Wesel and Cösfeldt. (Tac. Ann., i. 50; Suet. in Tib., xix.) The journey seems to have had no other result than the re-opening of communications, and, rendering the right bank of the Rhine secure, thus laying a base for future operations, which might be prosecuted or suspended according to the circumstances of the day. In the succeeding year he undertook a similar circuit, probably with similar views; for, although Velleius speaks in grandiloquent terms of lands wasted, and enemies vanquished, he enters into no particulars of conflicts with any German people, and as little do we find traces of military activity among the Germans themselves. Whether the Roman and German commanders were actuated by a like spirit of caution, or whether the dissensions which Tiberius had foreseen had already broken out among the barbarians, there were no active hostilities, though there was no peace; Tiberius laboured only for solid advantages, and the dishonour of the Teutoberger Wald remained unavenged. At length, in the third autumn after the death of Varus, Tiberius left Germany for ever. On his return to Rome he

celebrated his long-deferred Pannonian triumph, of which the magnificence, according to Paterculus, who, as well as his brother, was among those who were decorated with triumphal ornaments, atoned for the delay. Bato, and the other vanquished chiefs, walked before the triumphal chariot, and were then dismissed, with magnificent presents, to Ravenna, the usual place of exile for fallen greatness. Before the chariot wheeled into the capitol, Tiberius descended from it, and threw himself on his knees before his father—the father of the country—by whom he was received with more than paternal affection. The people were feasted at his expense; a donative was distributed in his name (Suet. in Tiber., xx.; Paterc., ii. 121; Dio, lv. 27); but nothing made him so popular in Roman eyes, neither his successes in the field, nor the safety he had won for the republic, nor the magnificence with which he had treated the populace, as the dedication of the temples of concord, and of Castor and Pollux, which had been built at the cost of the Neronian family, not in his own name only, but in the joint names of himself and his brother Drusus. (Suet. in Tib., xx.; Dio, lv. 27.)

The comparative quiet which Germany had enjoyed, during the administration of Tiberius, would naturally relax the sinews of the union, which had been forced upon the German people by the sense of common danger, and give scope to the prosecution of the feuds which, unhappily, are always the concomitants of public liberty. In the neighbourhood of the Rhine the spirit of discord was curbed by the presence of the hostile Romans, but, among the Cherusci, the natural tendency to strife was enhanced by an event which wanted only a Homer to raise it into the importance of an Iliad. Armin had been, from childhood, the companion of Thusnelda, the daughter of Segestes; they had grown up together, had shared the same pleasures, thoughts, and occupations. The simplicity and purity of habit prevalent at that early period in Germany, interposed no check upon such innocent intercourse, whatever might be the ranks of the parties. The skiff on the waters of the Weser, the chase in the Teutoberger-wald, afforded these young persons continual opportunities of meeting; nor is it wonderful that their childish friendship should ripen into a passion which was the blessing and misfortune of their lives. It needs no historian to tell us that Thusnelda was the Walkyrie of Armin's hopes, or that everything which was bright and heroic in life presented itself to the imagination of Thusnelda under Armin's features. Manners and forms may vary with the degree of civilisation, but the affections never change; and the same fond tale in every phase of society is repeated, by noble and savage, in the palace or in the Wald. Armin and Thusnelda seemed destined, by benignant stars, for each other; an

equality of birth, age, condition, a congeniality of mind (Tac. Ann., i. 57), and the sanction and approbation of parents (for the spark which kindled the envy of Segestes was yet unstruck), appeared to prepare the way for a happy and auspicious union. There was a sanctity, a purity, a devotion, in the matrimonial connection among the Germans, hard to be even comprehended by the luxurious Romans, which have excited the wonder and praise of Tacitus. The corruption, he says, which is called the world, is unknown in Germany. There the wife is the partner of the husband's toils and perils; the same in peace, the same in war, for richer, for poorer, for better, for worse; ready, even in the storm of battle, to dare or suffer, it is her greatest glory to live or perish with her husband. (Tac. Germ., xix. 18.) Nor did the union, according to the Gothic superstition, terminate with life. Death, which dissolves other earthly connections, only opens to this the door of an existence wherein is neither parting nor sorrow. In Wingolf's halls there is everlasting felicity—no more suffering, no more strife; but, crowned with stars, and blooming with unchangeable beauty, the wife again serves the cup to her hero, and the song and the dance endure for ever and ever. The union being thus eternal, one flesh in life, one life hereafter, they had no thought beyond each other; even the idea of a second marriage seemed monstrous to the simplicity of the Germans. (Tac. Germ., xix.) However we may condemn and pity the superstitions of our rude forefathers, the mind cannot but feel that the idea of a marriage contracted for eternity, carries with it a high and holy impress, and the belief in its truth must have exercised no little influence in producing that innocence of life which is the theme of the great historian.

Such were the relations of Armin and Thusnelda, when the long connection was severed by the rupture between Armin and Thusnelda's father. As far as we are informed, the fatal enmity, whose results involved the whole family of Segestes in ruin, appeared first in the camp of Varus, and was the consequence of the impatience of Segestes under the superior ascendancy of Armin. The old man could not brook the pre-eminence of a youth; and when Armin was raised, after the Teutoberg slaughter, so high above him in power, fame, and glory, his animosity was restrained within no bounds, and all possibility of reconciliation was at an end. No course remained open to Armin and Thusnelda but separation or flight; and, under the influence of these circumstances, Thusnelda was prevailed upon to quit her father's house; and Armin carried her across the Weser, and married her. The rash step proved the misfortune of their future lives. It is useless to speculate upon the motives which induced two such highly-gifted beings to a weakness to be

condemned in any society, but which, among the Germans, wounded every national prejudice, and could not fail to sow division among them. For the immemorial customs of the people, the only law with which they were acquainted, required that a man should purchase his wife of her father, and endow her, in the presence of her kin, with flocks, herds, and the emblematic presents of a war-horse, shield, and sword. (Tac. Germ., xviii.) The purchase-money, which was to be paid to the bride's father, was exclusive of the endowment, and amounted to a considerable sum; according to the law of the Saxons—a people among whom the Cherusicans were afterwards merged—it was no less than 300 silver solidi, which, at twelve to the pound of silver, and valuing silver at 5s. the ounce, amounts to seventy-five pounds of our present money. A good ox was at that time rated at three; and forty scheffel, or bushels, of barley, were rated at one of these silver solidi. The purchase-money of a wife was, consequently, equivalent to 100 oxen, or 12,000 bushels of barley. (Lex. Sax. Tit., vi. and xix.) We have no information of the rate of purchase, or the value of commodities, among the Cherusicans at the period wherein Armin flourished; but we know that it was the most solemn festival of a maiden's life, when family and friends were called in, to examine and weigh the worth of the endowment, which, in addition to its actual value, carried with it a religious and mystic meaning. (Tac. Germ., xviii.) The least famous Degen would have thought himself dishonoured, had his daughter been married without the customary feast and ceremony; how much more must Segestes have felt the disgrace of a secret flight, into the arms, too, of a man whom he most detested! Perhaps Armin might flatter Thusnelda and himself, that nature, when the mischief was irreparable, would resume her influence, and that the marriage might even be the means of soothing discontents, and burying, for ever, the enmity which was fatal to Cheruscan prosperity. If such dreams of future felicity were among Armin's speculations, they were bitterly deceptive; for Segestes fell into an exasperation, from which neither the prayers of his children, nor the mediation of friends could restrain him; and nothing would now satisfy him but bloody revenge, for what he called the rape of his daughter. Numbers of the Wehrmen entered into his feelings, and the Cherusicans were split into the faction of Segestes, and the faction of Armin, which soon proceeded into open hostilities with each other. With the particulars of this civil war we have little acquaintance. Segestes, himself, states that he had been overborne and oppressed by the party of Armin, and had, in his turn, found the opportunity of surprising Armin and Thusnelda, whom he kept prisoners in his stronghold near the banks of the

Weser. Armin found means to escape his prison, but was compelled to leave Thusnelda in the power of Segestes; and, the moment he was at liberty, he gathered his friends and brought them over the river, to beleaguer the Burg of Segestes, in the hope of delivering her. He had now the upper hand; there appeared no possibility of escape for Segestes; and the wrathful old man, bent upon sacrificing children, self, even honour and country to his revenge, resolved rather to reconcile himself with Rome, than to submit to a reconciliation with Armin. Under the influence of these rancorous feelings, he sent an embassy to Germanicus, who had succeeded Tiberius in his command, and who was then lying in the country of the Chatti, soliciting, in the most urgent terms, the instant aid of the Romans against his own countrymen and children. (Tac. Ann., i. 55, 57, 58.) Thus did the ties which should be bonds of domestic affection, and knit families together in the holiest of unions, become, with Segestes, the occasion of discord and hatred, So it is that, with evil men; love itself, changing its very nature, is converted into bitterness; the greatest of blessings is transformed into a curse.

CHAPTER VII.

Canfana.

TIBERIUS, on quitting Germany, committed the command of the Rhenish provinces into the hands of his nephew, Germanicus, whom, at the instigation of Augustus, he had adopted as his son. The adoption was not the consequence, on his part, of any natural affection for his nephew; the son of Drusus enjoyed an hereditary popularity, and Tiberius regarded him with distrust and aversion, concealed during the lifetime of Augustus, but which, after the death of the emperor, displayed itself in occasional checks and vexations, and, five years later, brought him to an early grave. So long as Augustus lived, the administration of Germanicus proceeded quietly; but it is the nature of a military despotism that the soldiers regard themselves as the state, and no sooner were the old man's eyes closed (A. D. 14) than there arose, among the legions, a general spirit of discontent and mutiny. They wanted, they said, better pay and easier discipline. The public treasury was filled by their conquests, and ought they not to enjoy some portion of the reward? It was their victories which gained for their commander the glorious title of Imperator, and was it reasonable that they themselves should be subjected to the brutality of centurions? In the province of Pannonia open revolt was prevented by a lucky eclipse of the moon, of which the younger Drusus, Tiberius's son, who commanded there, adroitly took advantage, bringing them back to their duty by working on their superstition (Tac. Ann., i. 28). Upon the Rhine, where Germanicus had eight legions, matters proceeded to greater extremities. Four of these legions, the second, thirteenth, fourteenth, and sixteenth, were stationed at Mainz, under the legate, Caius Silius; the other four, the first, fifth, twentieth, and twenty-first, lay in the *Castra Æstiva*, near

Xanthen, in the territory of the Ubii, and were commanded by the legate, Aulus Cæcina. A greater part of the four legions, under Cæcina, had been hastily drawn, on the death of Varus, from the dregs of the Roman populace. Accustomed to the excesses of a city life, naturally therefore averse to labour, and corrupted still more by the long rest and want of occupation which were the consequences of the policy of Tiberius, they eagerly seized the occasion of a new accession to clamour for indulgences, and, finally, proceeded to open mutiny. Cæcina had neglected the earlier symptoms of the disorder, and durst not, afterwards, venture upon strong measures to suppress it, and when Germanicus hastened, in person, to the camp, in order to try the effect of influence and authority, he did not escape insult from the riotous soldiers. At Mainz, where similar irregularities displayed themselves, his efforts were more successful, and a mutiny, attempted by a detachment of the garrison which was stationed in the works on the Taunus, (Tac. Ann., i. 38) was repressed by the energy and decision of Mennius, the camp-prefect, by whom the garrison was brought safely back to the citadel. (Tac. Ann., i. 31—38; Dio, lvi. 3, 5.)

While Germanicus was at Mainz, a deputation from the senate arrived in the province, to announce to the army the accession of Tiberius to the empire. Accompanied by these ambassadors, Germanicus, whose fears on the side of Mainz were quieted, returned to the lower Rhine, where their presence excited suspicions and apprehensions among the soldiers of the first and twentieth legions, whose quarters were, now that the embassy was commissioned by the senate to enquire into and punish the mutiny, at Ara Ubiorum. These legions, composed chiefly of the veterans and young levies which had recently joined the army, broke out into new and greater violence; the gates of the camp were demolished, the legates were reviled, Germanicus himself was ill-treated, the ambassadors were threatened with violence, and even their lives were endangered. Their chief, Munatius Plaucus, a man of consular dignity—a dignity which stood inconveniently in the way of flight—was, under the erroneous idea that he was the author of a *senatus consultum* against them, the particular object of the soldiers' exasperation, and it was only by embracing, with his arms, the eagle of the first legion, and by the arduous efforts of Calpurnius, its bearer, that the legate of the Roman people escaped assassination in a Roman camp. But soon dissensions arose among the soldiers themselves, part of whom, ashamed of their excesses, separated themselves from their comrades. Nothing contributed more to bring about this better feeling than the resolution of Germanicus to send his wife, Agrippina, and her son, Caligula,

a favourite and nursling of the soldiers, out of the camp to seek security among the Treviri. That the Roman general should think his wife and child safer among barbarians than in his own camp; that the child of the legions (*Tac. Ann.*, i. 44) should become a hostage in the hands of the Gauls, seems to have filled the minds of these soldiers with shame and sorrow, and they were earnest to make atonement for their insubordination, by reducing their more obstinate comrades to obedience. Persuasion and example proving fruitless, a horrible slaughter took place among them: comrades butchered comrades without remorse. In the end something like submission and order was restored; and Plaucus, who had, doubtless, consoled himself, during the continuance of these troubles, by putting into practice the counsel of his ancient companion, Horace, (*Horat. Od.* 1. 7, ad Munatium Plaucum), was permitted, at last, to return to the shades of his beloved Tiber. (*Tac. Ann.*, i. 39, 49.)

Notwithstanding the restoration of tranquillity in the camps, there continued such an agitation and restlessness, in the minds of the soldiers, that there could be little confidence in its duration, unless they were diverted by military labour. They demanded to be led against the enemy, in order to avenge the slaughter of Quintilius Varus; and Germanicus, glad to direct their fury to a legitimate object, resolved to cross the Rhine, and make a foray into the heart of Germany. With this view, he threw a bridge over the river, drafted 12,000 men from the legions, and, with these troops, eight Alæ of horse, which had not been contaminated by the sedition, and six and twenty cohorts of allies, crossed over in the neighbourhood of Wesel, whence he advanced at once into the Cæsian Wald, beyond the limit of the works which had been begun by Tiberius. On the verge of the forest he selected a secure and convenient site for an encampment, fortified it carefully on the flanks with felled trees, and in the front and rear with entrenchments, and thence, with the intention of providing occupation for the minds and bodies of the soldiers, contemplated an expedition into the territory of the Marsi. The five years of tranquillity which had elapsed since the death of Varus, had deceived the Germans into the belief that no future danger from the Romans was to be apprehended; though there was no formal peace, time had quieted their apprehensions, and a persuasion generally prevailed among them that Rome would in future be satisfied with the Rhine for the boundary of her empire. In this state of security they continued at the very moment when Germanicus, who had learned from his spies that the Marsi were assembled at the great temple of Tanfana, for the purpose of celebrating one of their ancient festivals, was only debating

whether he should attack them by the direct and customary route of two marches, or whether he should take a more circuitous way, by which the surprise and the slaughter might be made more complete. (Tac. Ann., i. 50.)

It was the custom of the German race, time out of mind, to celebrate three great religious festivals in the year. It is said in the Yulinga-Saga that, in the north, Odin instituted three annual festivals; one at the end of harvest, as a thanksgiving for the year's fruitfulness; the second at midwinter, to pray for a blessing on the new year; the third in the summer, for victory. In Germany, the first of the three great *Opferfeste* was the Osterfest; the second was the Harvest-fest; the last was Weihnacht, or midwinter. To these assemblies came all who were not physically incapacitated; it was a time of sacrifice and feasting; the offerings brought by each family supplied the means of entertainment; the song and the dance prevailed, the horn circulated, and the religious revelry terminated, generally, in scenes of drunkenness and disorder. It must have been the harvest-feast which the Marsi were celebrating at the time when Germanicus determined to fall upon them, inasmuch as the meeting followed, at no great interval, the death of Augustus, which had taken place on the 19th of the preceding August; and the harvest festival would, most probably, fall some time in the month of September, or the beginning of October. These national assemblies were always held within the limits of consecrated groves, or other sacred places, among which the Tanfana of the Marsi had acquired a particular celebrity. All tradition of its precise locality has perished. Cluverius (Germ. Ant., iii. 43) has placed it between the Lippe and the Ems; and there can be little doubt but that it lay to the northward of the Lippe, in the direction of the city of Münster. A more impenetrable cloud of uncertainty hangs over the divinity which was worshipped at this celebrated temple, a subject upon which commentators have lavished a fruitless ingenuity. To the greater number of these laborious men, Tanfana has appeared as a female divinity. Even Grimm (Deutsche Myth., clvii.) assumes it was a goddess, though he confesses that the question is involved in utter darkness. Loccenius has made a nearer approach to truth, in dividing the word into two parts, *Tan* and *Fana*, of which the latter is probably derived from *Fan*, a lord; a word which, in its earliest known application, appears to have been applied to the divinity. Thus Wulfila, in St. Mark's Gospel, translates *Lord God* by *Fan Goth*. The word seems akin to the Latin *Fanum*; and, as it is far from improbable that they proceeded from a common root, in which lay the idea of sanctity, *Fana* might, at that early period, like *Fanum*, signify a

temple, though it does not exist, at the present day, in that sense in any of the Teutonic dialects. It matters little, however, whether the word *Fana*, in the word *Tanfana*, imply strictly a divinity or a temple. A much more difficult question to solve—a question upon which depends the true meaning of *Fana*—is the preceding syllable *Tan*, which Loecenius considers to be a contraction of *Tannen* (pine-forests), thus making *Lord of the pine-forests* out of *Tanfana*. But, in the first place, this title is not particularly applicable to any German divinity; and, in the next, the forests of Westphalia are oak and beech, not pine. Wachter (*Gloss. ad verb. Tanfana*) prefers the Celtic *Tan* (fire) as the explanation of the primary particle; *Tanfana* thus becoming *Lord of fire*; but there is no peculiar propriety evident in this appellation; and the mixture of Celtic and German roots in the same word renders this, as well as many others of that grammarian's etymologies, inadmissible. If I might venture to add another to the many numberless speculations of which *Tanfana* has been the subject, I would say that the word is *Wotanfana*. Tacitus's account would be founded, as to the customs and localities of Germany, upon verbal informations; and *Wotan*, according to the pronunciation of a German, would easily be mistaken by an Italian ear for *Tan*. Many slight circumstances might be brought forward in support of this view. We know, from various authorities, that *Wotan* was the only divinity whose worship was universal in Germany, and that among the Saxons, the Westphalians, and the people north of the Lippe, he was adored with peculiar fervour; while, from the fact of the meeting at *Tanfana* being a general assembly of the nation, it may be inferred that its occasion was one of the three great festivals instituted by *Wotan*.

It was not without reason that Germanicus thought the feast a favourable opportunity of surprising the Marsi. The unsuspecting character of the German people, the usual revelry of a festival, the consequent drunkenness and helplessness, were all circumstances propitious to the design, and promised him an easy victory. Having decided upon taking the longer way, he first sent forward *Cæcina*, with some light cohorts, to clear the passage through the woods; and, after a short interval, followed himself with the legionary troops. The night was calm and beautiful; the brightness of the starry sky favoured the march, and the army reached, undiscovered, the villages of the Marsi, which lay in the vicinity of *Tanfana*. Long before the Romans halted, the sounds of revelry guided them to the place of meeting: these were now gradually sinking under the influence of slumber. But there was no watch, no precaution of any kind against surprise; old and young, men, women, and children,

were all absorbed, or overcome, by the enjoyments of the time. It was a welcome sight to the bloodthirsty and rapacious legions to see the number of helpless men who were scattered upon the ground, some sunk in intoxication, some in sleep, some half conscious, but all inapprehensive of the fate which was impending over them. With the view of making the devastation as complete as possible, and taking away the possibility of escape, Germanicus divided his troops into four bodies, which he disposed in a circle around Tanfana; and the soldiers then fell upon the incapacitated and unconscious people. There was no resistance; not a sword was raised by the Germans, not a wound was received by the Romans. The greater number of the Marsi, to whom flight was impossible, fell upon the spot; the fugitives who escaped one body of the soldiers were cut down by another. The blood-bath was complete; for neither youth nor age were spared; neither women nor children excited pity. Tanfana was levelled with the ground; a space of fifty miles in extent was ravaged with fire and sword by the ruthless soldiery; the houses were burnt, the harvest destroyed; every living soul that could be found was murdered; all the atrocities of Roman warfare were repeated at Tanfana.

In Rome, and in the civilised world, the massacre of Tanfana might be a glory; but, among the barbarians, it excited only feelings of horror. The Bructeri, the Tubantes, and Usipetes, hastened, on the first cry of anguish, to avenge the blood of the Marsi, and beset the wald through which the Roman army was returning, on its way towards the Rhine. The sudden appearance of these allies is an indication that the confederacy, established, five years before, by Armin, was still subsisting, and that nothing but occasion was wanting to call it into activity. But, among these German tribes, the mind of the commander was wanting. There was no Armin to direct them; and Germanicus found means, by his care and prudence, to evade the dangers by which he was menaced. His march homewards was preceded by a part of the horse and auxiliaries; the first legion followed; then came the baggage and the booty, covered, on the right flank, by the twenty-first legion; on the left, by the fifth; and the twentieth, with the remaining horse and allies, brought up the rear. So long as the way lay through the woods, the Germans, neglectful or unconscious of the advantages which forests afford to barbarian warfare, looked on without interruption, only venturing a single attack, which was easily repulsed; but, no sooner were the Roman troops fairly out of the forest, than they threw themselves, with their whole force, upon their rear. The light cohorts and the auxiliaries were thrown into disorder by the pressure of the Germans; but the Cæsar hastened to the twentieth

legion, calling out, "Now is the time to bury in oblivion the remembrance of the past sedition, and to cover their shame with glory." The men responded to the appeal; the barbarians were driven back with great loss; and from thence the legions, proud of their exploits, which, in their opinion, had effaced the memory of their former misconduct, continued their march, without interruption, to the Rhine. (Tac. Ann., i. 50, 51.)

The success which had attended the Roman arms in this expedition, went far to work a better feeling in the minds of the soldiers; the booty they had brought back had whetted their appetite for similar food, and Germanicus, who had found out the value of constant exercise in keeping down turbulent spirits, determined, with the returning spring, to repeat the experiment. He was himself not insensible to temptations of another order. The victory of Tanfana had raised a spirit in his mind, which could not again be laid; the son of Drusus could not be indifferent to military glory; nor was it possible that here, on the theatre of his father's exploits, he should not burn with the desire of restoring to the Roman people conquests which had been lost by the incapacity or culpability, the indifference or envy, of others. The dissensions among the Germans, particularly those of the Cherusci, appeared to present a favourable juncture for the prosecution of such a design; for it was notorious to the Romans that the Cherusci were split into hostile factions, and that Armin and Segestes were at open war with each other. Danger from that quarter being thus improbable, Germanicus, as soon as the spring permitted, resolved to cross the Rhine, and begin his operations with an assault upon the land of the Chatti. Committing, therefore, towards the end of March, A.D. 15, four legions, 5,000 auxiliaries, besides a tumultuous band of Cis-Rhenish Germans, to the charge of the legate Cæcina, with instructions to pass the Rhine at Vetera, and advance, by the old road of the Lippe, into the land of the Marsi, he passed over the river himself at Mainz, with the remaining four legions, and double the number of auxiliaries. His first step was to restore a fort, which had been built by his father, upon the Taunus, in which he left Lucius Apronius, with a garrison sufficient to keep open the ways, and secure the passage of the river, in case a change in the remarkably dry weather—a rare occurrence in that climate—should swell the rivers, and render a sudden retreat expedient. From the heights of the Taunus, he fell so suddenly upon the Chatti, that all who by age or sex were incapacitated for sudden flight were slaughtered, or fell into his hands; the younger portion of the Wehrmen, who had saved themselves by swimming the Edder, vainly molested the Romans as

they were laying down a bridge for the passage of the river, and attempted to destroy it; but being repulsed by missiles, and by the engines planted for the protection of the work, part of them were compelled to an unconditional submission, and the rest, abandoning their dorfs and habitations, dispersed, as they could, in the woods. Having wasted the whole country of the Chatti, burnt their chief town Mattium, supposed by some to be Marburg (Barth. *Urgeschichte*, i. 533), Germanicus, who appears to have contemplated nothing further than a temporary foray, prepared to return towards the Rhine. A portion of the Cherusci, which had manifested an intention of marching to the assistance of the Chatti, was held in check by Cæcina; and the Marsi, who had assembled with similar hostile intentions, were dispersed, in a fortunate encounter, by the same legate. (Tac. *Ann.*, i. 55, 56.)

Germanicus was still in the country of the Chatti, when the embassy of Segestes, imploring the aid of the Romans against Armin and the Cherusicans, arrived within his camp. It appears that, at this time, Armin had regained his pristine ascendancy among the Cherusicans, that his party was powerful and increasing, while that of Segestes had almost melted away; for it was stated by Segestes, apparently by way of explanation, that among the Germans the war party is ever the most popular, and the greater the audacity of the leader in enterprise, the greater his reputation for capacity with the people, and the more unreserved the general confidence. "His love of peace and attachment to Rome," he said, "had rendered him unpopular with his countrymen; he was even in danger of popular violence; his Burg was beset by the Cherusicans, with Armin at their head, and he had no hope of deliverance, except from Rome." In order to shew how thoroughly he threw himself into the hands of the Romans, he sent with the embassy his son Segimund, the same who, when a priest at Bonn, had torn his fillet, and fled to join his countrymen in their conflict with Varus. Segimund naturally approached the Roman camp in doubt and apprehension as to his reception; but he was kindly received by Germanicus, doubtless from a sense of the policy of making a party among the Cherusicans, and was dismissed to the Roman provinces on the Rhine under the care of a guard—ostensibly a guard of honour, but in reality to secure the person of the prisoner. The petition of Segestes was too much in unison with the wishes and views of Germanicus to be rejected, and, notwithstanding he had already turned his face towards the Rhine, he stopped short at once in his march, and turned back to the land of the Cherusicans, pursuing his way, almost without rest, until he reached the fortress

of Segestes. The Roman forces were far too overwhelming in numbers and appointments to make resistance on the part of the besiegers possible. Armin was compelled to abandon his leaguer, and retire across the Weser; the siege was raised, and Segestes was delivered from his imprisonment. With Segestes were found, besides Thusnelda, a large body of kinsmen and dependants, all of whom had taken part in the day of the Teutoburger-wald; there were also many women of noble blood shut up with Thusnelda, who were still decorated with the spoils of Varus; and many of the Roman standards, and no inconsiderable portion of Roman plunder, the fruit of the Varian slaughter, were captured in the Burg. The situation of these persons, with relation to their deliverers, was a singular one. They could not be considered, altogether, as prisoners of war to the Romans, inasmuch as they had been rescued by the Romans from the peril with which they had been menaced by common enemies; neither could they claim entire liberty as friends and allies of the Roman people; for not only was their nation at that very moment legally at war with Rome, but they themselves had fallen into the hands of the Romans, under circumstances which unequivocally demonstrated their personal participation in the Varian slaughter, with all the evidences of their guilt about them. Segestes, who felt the doubtful nature of the position in which he stood with regard to the Romans, addressed a long exculpatory discourse to Germanicus, whom he reminded of his ancient and constant friendship towards the Roman people. "From the day," said he, "on which the divine Augustus bestowed on me the freedom of a Roman citizen, the friends and enemies of Rome have been mine, not out of hatred to my native country, for traitors are despised even by those they are tools to, but because I have loved peace better than war, and am convinced that what is good for the Roman people, is good also for the Germans. Therefore did I denounce to Varus, who then commanded the Roman army, the violator of the public tranquillity, the ravisher of my daughter—Armin. I implored him, even on that fatal night—would it had been my last!—to lay hands on me, on Armin, and the rest of the conspirators, but I was put off by the inertness of the general. What has since ensued may be deplored, but cannot be justified. Since then I have had Armin in chains; I have been myself locked up, as you know, by his faction; and now, delivered from him by your assistance, I prefer the ancient state of things to the new one, the old tranquillity to the storms of recent days. I turn to you, not out of the hope of reward, but to clear myself from the guilt of perfidy to the Roman people, and to become an intercessor on

behalf of the German folk, when they shall renounce their mistaken course, and prefer repentance to destruction. For my son's youth and fault I implore forgiveness; my daughter, I admit, is brought hither by necessity; and I leave it to your judgment to decide which consideration should have the greatest weight—that she is the wife of Armin, or the daughter of Segestes." (Tac. Ann., i. 57, 58.)

As Segestes concluded his address, he pointed with his finger to his daughter, who, with the other females who had been captured in the Burg, had been placed before the tribunal of Germanicus. Tall, pale, graceful, her golden hair flowing behind, according to the German fashion, but yet arranged with the customary care, Thusnelda stood before the Cæsar in calm and collected silence; her blue eyes were tearless; no sigh, no murmur escaped her lips; for, notwithstanding the misfortune which had befallen her exceeded the bounds of human endurance, she never forgot that she was Armin's wife, and strove to bear herself with the spirit of her husband. Not even the thought which seems to have oppressed her most—that her child would be born in Roman servitude, could extort a single lamentation, a single tear. (Tac. Ann., i. 57.) Perhaps she still clung, for in the youthful breast hope is ever green, to the hope of speedy deliverance; she knew that her Recke would venture all to redeem her from captivity, and little anticipated that they had met for the last time. Germanicus, moved with pity for the fate of a family so fallen, gave a gentle answer to the miserable Segestes, to whom he promised the pardon and safety of his children and relations, as well as a secure and convenient abode in the Roman territory, on the borders of the Rhine. For now the banks of the Weser were no longer a home for Segestes; hated, despised by his countrymen as a traitor, a coward, and an enemy, there was neither peace nor safety for him among the Cherus-cans, and it was no part of Roman policy to force upon them a prince upon whom the Romans themselves looked with contempt. Xanthen (Tac. Ann., i. 58, 59) was assigned to him as a residence for himself and family; and there they continued for two years, at the end of which they were brought to Rome to grace the triumph of Germanicus. And now the Roman commander, though the summer was yet young, led back his army into the Roman boundaries, loaded with spoil, and elated with the good fortune which had attended it. At Rome the recovery of the Varian standards, which were found in the Burg of Segestes, was regarded as an event of such importance, that he was honoured, at the suggestion of Tiberius himself, with the title of Imperator; and an arch was afterwards erected near the temple

of Saturn in its commemoration. But scarcely had he reached the Roman province, before he was made sensible, by signs which could not be mistaken, that the labours of the year were not yet over. The sky lowered in the direction of the Weser, whence a storm threatened to break upon the Rhine; and Germanicus found that his irruption into the Cheruscan land was only the signal for a general war, and that battles must be fought, and many a soldier lie low, ere the army would rest in its winter quarters. (Tac. Ann., i. 57, 58, 60.)

CHAPTER VIII.

Cæcina.

ARMIN was driven almost to desperation by the calamity which had been brought upon his wife by the machinations of Segestes, and by the fate of the unborn child, which had been thus subjected, by so strange a destiny, to the worst and most ruthless of servitudes. He flew round the Gaus, and even among the Dorfs of the Cherusicans, appealing, in every assembly of Wehrmen, against Segestes, and against Germanicus; and calling, in impassioned terms, upon his countrymen, in every mallus, to avenge and redress the wrongs which Rome and Segestes had inflicted upon their Thiuda. He was unmeasured in his expressions of anguish and reproach. "Excellent father," he exclaimed, "glorious Imperator, renowned warriors, who have brought so many swords from the distant Rhine, to carry off a helpless woman! It was not so—not by treachery, not by turning my arms upon pregnant women, but in open and glorious combat, that I laid three legions and three legates low. Still may the Roman ensigns be seen suspended in Wodan's grove. Let Segestes dwell upon the enslaved border of the Rhine, let him restore his son to the Roman priesthood; but never will Germans forgive the man to whom it is owing that Roman rods and axes, and Roman law, have been seen between the Rhine and the Elbe! Nations unacquainted with Roman domination, think little of Roman punishments and Roman taxation; but we have felt them, and have extirpated them from amongst us. And shall we—who have driven away the deified Augustus, and the crafty Tiberius—tremble before a lad and his mutinous army? O, if your fatherland, your children, your ancient freedom, are dear to you—if you hate foreign masters and their new colonization, destructive, as it is, of all that is free, all that is holy—renounce Segestes, the Roman hireling, and follow me, once more, to victory

and glory ! " Of such a nature as this were the addresses of Armin on every Mahlberg ; and as the report of the reconciliation of Segestes with the Romans, which was now circulated far and wide, carried with it, among the Germans, the conviction that it was the prelude to a new assault upon the national independence, it is not wonderful that they found ready hearers in men proud of their recent exploits, and glorying in their recovered freedom. Not the Cherusci only, the whole of the neighbouring peoples took up arms ; but, among all the Adelings who responded to Armin's call, there was no one of greater weight than his uncle, Inguiomar, who, for the first time, joined the confederacy against Rome. Inguiomar, less interested, from the remoteness of his Gau, than his countrymen in their opposition to Rome, had taken no part in the Varian slaughter ; he appears to have enjoyed great consideration among the Romans themselves ; and his accession to the alliance was regarded by Germanicus not without uneasiness. The forays of the Roman commander had arisen out of accidental circumstances, they had been undertaken with a reckless disregard of consequences ; nor does it appear that to ravage the land of barbarians, to rob, to burn, to murder, was regarded, at any time, by the Roman army, as other than pastime and exercise ; but these time-honoured recreations had brought upon Germanicus a confederacy which threatened an attack upon the Rhine, to avert which required no ordinary vigilance and wisdom. Armin's aim was, indeed, beyond the river ; for, as the Romans had contemplated no permanent settlement in the interior of Germany, but had withdrawn into their own lines, it is evident that the object of the Cheruscan Thiuda, in his present armament, was to march to the Rhine, and attempt the deliverance of Thusnelda. (Tac. Ann., i. 59, 60.)

It generally happens, in military operations, that the boldest is the wisest policy. Germanicus, apprehensive that the war might break upon him in one mass, and at a point where the Roman army, divided among the camps and garrisons of the Rhine, might be inadequate to cope with the overwhelming numbers of the Germans, resolved to anticipate their attack, by carrying the war to their own homes. With the view of effecting a diversion of the enemy, he gave orders to Cæcina to proceed with forty Roman cohorts through the land of the Bructeri, towards the Ems ; the Prefect Pedito (Sen., Suas. i. 11) was directed to march with the horse through the Gaus of the Frisians to the same destination, while he himself, embarking four legions, sailed through the canal of Drusus, the Yssel, and the Zuyder-Zee, to the Embouchure of the Flevum, whence he coasted within the islands of the ocean to the mouth of the Ems. Horse, cohorts, legions, united happily on the banks of

the Ems; and the Chauci, who possessed the country between the Ems and the Weser, were so intimidated, or overpowered by the unexpected presence of such vast forces, that they submitted to the demands of Germanicus, withdrawing from the German union, and engaging to render every assistance to the Romans, and even sending their young warriors to join their ranks. The compulsory defection of the Chauci, a people celebrated through northern Germany for its virtue and its power, was a disastrous event for the allies, but it produced no submission in those parts of the country which were unoccupied by the Roman army; and the Bructeri, who dwelt on the left bank of the Ems, warned by their former sufferings, destroyed, with their own hands, on the approach of the Romans, their habitations, and whatever they had which could not be hastily removed, and left them only a waste to revel in. Lucius Stertinius, notwithstanding, who had been detached by the Cæsar in their pursuit, came up with them, and, after a successful combat, found among the spoil and the slain the eagle of the nineteenth legion, which had been lost with Varus on the day of the Teutoberger-wald. (Tac., Ann. i. 60.)

From the mouth of the Ems, the Roman army moved southwards; advancing up the course of the river, through the territory of the Bructeri and Marsi, to the vicinity of the Lippe, and destroying, with fire and sword, the whole country which lay within the limits of their march. They had now reached the neighbourhood of the Teutoberger-wald; and Germanicus, being encamped at no great distance from the spot where the bones of Varus and his legions still remained unburied, was seized with the irresistible desire of paying the last honours to the unfortunate soldiers, and their still more unhappy leader—a feeling in which the whole army participated; for many a soldier had lost a brother, or a friend, in the combat, and all were filled with pity for a fate which might one day be their own. Cæcina was sent forward to explore the passes of the Wald, and to lay temporary bridges and causeways of earth over the morasses and deceptive places. As we know not the precise situation of the camp of Germanicus, we cannot determine, with certainty, the direction of his march; but, as the Roman army had approached the Teutoberger-wald, from the side of the Ems, it probably penetrated the Wald by some of the passes about Bielefeldt, and the supposition is the more probable, inasmuch as it soon fell in with the same inauspicious route which Varus had traversed six years before. Every vestige of his disastrous march which met the eyes of the soldiers—every memorial of the fatal day which they approached, was calculated to

oppress their minds with feelings of indescribable melancholy. They came first to the first camp of Varus, of which the entrenchments, of large dimensions, and embracing a wide extent of ground, as was necessary for the accommodation of a force of such magnitude, were still perfectly perceptible; afterwards they approached the second encampment, within the half-levelled wall and almost effaced trench of which, the remains of the three legions had found their everlasting rest. In the centre of the camp, where the fight had been the hottest, the whitening bones lay in heaps, one upon another; where the men had attempted to fly, they were more scattered. Here, were fragments of weapons and armour mingled with the mouldering limbs of horses; there, were horses' heads fastened upon the trunks of trees; and in the neighbouring grove were the altars, whereon the Tribunes, and the Centurions of the first class, had been immolated. Some soldiers, who had survived the battle, and escaped from the barbarian servitude, pointed out to Germanicus and his comrades, the remarkable localities of the slaughter. "Here," they said, "fell the legates; there, the eagles were captured; on this spot, Varus received his first wound; on that, he sought death from his own hand. There, stood the Tribunal from whence Arminius addressed the barbarian warriors; yonder are the trees on which the prisoners were suspended; there, were the gibbets whereon the eagles and standards were exposed to public insult!" Full of the sad and gloomy thoughts which such reminiscences must inevitably excite, the soldiers proceeded to the completion of their sorrowful duty; no one knew whose bones they were which he buried under the mould; they might be those of his dearest friend—they might be those of a stranger; but all—kindred, strangers, blood-friends, or blood-foes, were covered with earth by the soldiers, with mingled feelings of wrath and sorrow, and slept in a common grave. Germanicus, himself, cast the first shovel-full of earth upon the remains of the fallen; it was his offering to the manes of the departed—it was the proof of his sympathy with the living—and thus, in the sixth year after the slaughter, were the bones of the three legions covered over with fresh sods. Tiberius, however, looked with an evil eye upon this act of piety. Everything which increased the popularity of Germanicus with the soldiers, was regarded by him with jealousy and dread; for he could not forget the love which they had borne to Drusus, nor was he without apprehension of finding a rival in his son. He censured, though in smooth and civil terms, the loss of time which the duty had occasioned; affected to dread the effect which the sight of such horrors might produce upon the minds of the soldiers, and hinted

that it was no part of the duty of an Emperor, to whom was entrusted the right of augury, to busy himself with sacrifices for the dead. (Tac. Ann., i. 61, 62.)

It can scarcely admit of doubt that the unexpected inroad of Germanicus into Germany had disconcerted the designs of the allies, and forestalled the march of Armin upon the Rhine. The Roman army had attacked them in a quarter where no means of resistance had been thought of; it had compelled the Chauci to withdraw from the confederacy; it had overwhelmed the Bructeri, and their kindred tribes, and now stood with overpowering force in the centre of the country, interrupting the intercourse of the various nations, and preventing that union of force and counsel, from which alone victory was possible. The burial of the bones of the Varian legions had given Armin a little time to adapt his measures to the altered circumstances in which Germanicus had placed him, and, so far, the censure of Tiberius was not without some foundation; for, while the Romans were busied with that melancholy duty, the Cherusicans appear to have been silently gathering around them; and Germanicus turned from the field of the slaughter to the pursuit of Armin, who retired slowly before him, by ways in the greenwood which had been long familiar to his youthful foot. When the Roman army had advanced some miles through the depths of the Teutoburger-wald, in the direction of the Weser, Germanicus perceived, for the first time, a considerable body of the enemy, who were drawn up in an open space, at some distance in his front, and gave immediate order to the horse to attack them, and carry the elevation whereon they were posted. But Armin had planted an ambuscade in the woods, through which the horsemen had to pass; and no sooner were they fairly within the treacherous recesses, than Armin fell suddenly upon them, while, at the same moment, they were taken in both flanks by the ambush. Surprised by the fierce and unexpected assault, the Roman horse fell into disorder; the cohorts of auxiliaries, which Germanicus dispatched to their support, were infected by the same consternation, or were carried back by the fugitives; and had not Germanicus promptly drawn out the legions, and thereby restored the confidence of the men, the whole mass, horse and foot mingled together, had been swept into a neighbouring morass, the existence and situation of which were well-known to Armin, but of which the Romans had no suspicion. As it was, the battle was indecisive. But though the Roman army were saved from defeat by the presence of mind of its commander, the encounter, if we may judge from its results, must have been of a more important character than is ascribed to it by the Roman historians; for Germanicus

stopped suddenly short in his invasion of Germany; and, satisfied with what had been already done, or warned by this trial of strength, resolved to bend his course again towards the Rhine. The legions which had been brought by sea, were again led to the Ems' mouth, in order to be reshipped; the horse were directed to make their way, as they came, through the friendly Gaus of the Frisians; while Cæcina was ordered to carry back his troops by the well-known road, along the valley of the Lippe. (Tac. Ann., i. 63.)

Cæcina was particularly enjoined by Germanicus to beware of the perils of the marshy districts, and to hasten, with all his might, to pass the long bridges which had been laid in the morasses by L. Domitius, ere the enemy could come upon his traces. The tough old soldier exerted himself to the utmost, but his efforts were fruitless, for the foresty country was intersected by frequent streams, its soil was clayey and slippery; when he came to the morasses, he found many of the long bridges were fallen into disrepair, or had been intentionally destroyed; and Armin, in consequence of the difficulties and delays which attended the march, had anticipated, with his swift Recken, the heavy-armed and encumbered Romans, and was already before him. Harassed by continual threatenings of battle, and finding it impossible at the same time to repair the bridges and fight the enemy, Cæcina determined to mark out a camp, on which part of his troops laboured, while the rest held the Germans at bay. The work proceeded under continual interruptions on the part of the latter, who sometimes pressed upon the labourers, sometimes mocked them; at times assaults were made upon the workmen, which were with difficulty repelled by the armed men, and their cries were mingled with the shouts of combatants. Everything seemed adverse to the Romans. The ground was a slimy, viscous mud, in which the foot sank when a man stood still, and slipped when he attempted to advance, so that, from the want of firm standing, it was impossible for men armed with cuirass and helmet to throw the lance with effect. The Cherusicans, on the other hand, men of great strength and stature, accustomed to warfare in the marshes, knew where to find the little eminences of drier ground around, and could avail themselves of trunks of trees, whence their long spears inflicted deadly wounds at a distance. Anxiously did the weary legions look for night, which they hoped would afford them respite; but the prospect of victory made the Germans indefatigable in their endeavours to improve the advantages of their own position to add to the distresses of their adversaries: and, during the night, they turned the hill-streams into the hollow wherein the Romans lay, by which the whole camp was inundated with water, and the difficulty of labouring and mov-

ing was doubled. How different was the situation of the two armies. The Germans, richly provided by their countrymen with food and drink, lightened their labours with festivity, and hill and valley re-echoed with their savage music. The Romans were scarcely able to keep alive their sickly fires; few words were heard; but they crouched, without order, beneath the wall, to keep, as far as possible, out of the wet; or slunk about among the tents, sleepless rather than watchful. (Tac. Ann., i. 65.) Cæcina himself could not contemplate his position without dread. He had now drawn, as soldier or commander, his fortieth stipend; he had experienced clouds and sunshine in his day, without being disturbed by either; but the terrible silence of his camp, this night, shook even him. He revolved over in his mind the prospects of the morning, and there appeared only one way by which deliverance was possible. Between the mountains and the marsh was a strip of solid ground, on which, if he could attain it, he thought to send forward the wounded, with whatever baggage might impede the march of the troops, while he held the enemy at bay in the woods. The fifth legion he resolved to place on the right flank, the twenty-first on the left; the first he intended to order to the van, while, with the twentieth, he proposed to defend his rear. Wearied out with reflection, he fell, at last, into an unquiet slumber, in which the anxiety of his mind was prolonged in dreams. The bloody form of Quintilius Varus seemed to rise before him out of the marsh; he thought he heard him bid him follow him; he saw him stretch forth his hand. Cæcina grasped the cold hand, and cast it from him, and started from the horrible dream. With the morning sun came returning strength of mind, and he calmly set about the arrangements he had resolved upon in the previous night, stationing the legions in the order in which he had proposed they should march. But a panic terror had taken possession of the soldiers' minds; the remembrance of the Teutoberg slaughter filled them with the most gloomy apprehensions, enhanced by the consciousness that they were now in the neighbourhood of the Marsi, near the scene of their former cold-blooded atrocities. The legions which were appointed to guard the flanks of the convoy shrunk from their stations, and crowded together, without order, upon the little level above the marsh, on which Cæcina had intended to pursue his retreat. In this disorder the march commenced; but Armin avoided an attack. Well acquainted with the surface of the country, he waited until the Romans came to a marshy pass, wherein their waggons were set fast; and the soldiers, anxious about their effects, forgetful of order, and heedless of command, busied themselves in endeavours to release them from the quagmire. Here Armin thought to annihilate the Roman

army. "Behold," he cried, "Varus and his legions." (Tac. Ann., i. 65.) He gave the signal for battle. He led the attack himself, at the head of a chosen body of Recken. Their first aim was the horses of the Romans, which, wounded and stumbling in their own blood, and the slippery soil of the morass, threw their riders, trampled on the fallen, and scattered the soldiers who were near them. The hottest fight was around the eagles, which could neither be borne upright in the storm of weapons, nor fixed firmly in the treacherous earth; here Cæcina's horse, as he was directing the battle in the foremost ranks, was slain; he fell to the ground, and was saved, with difficulty, by the soldiers of the twentieth legion. There was no longer any possibility of saving the wounded and the waggons, which were precipitately left behind; and the baggage exciting the cupidity of the barbarians, they neglected the fight in spite of all remonstrances, and hastened, every man fearing to be too late, to make sure of a share in the spoil. (Tac. Ann., i. 65.)

The temporary respite which the lust of plunder had procured, was the salvation of the Roman army, which, towards the close of this terrible day, had the good fortune to attain a piece of solid ground in a somewhat more open vicinity. But what a prospect was before them! Trenches were to be dug, a rampart raised; and all the necessary trenching tools were, for the greater part, lost with the baggage; and when the vallum was at last formed, as well as means permitted, there were no tents, no means of dressing the wounded; the soldiers swallowed hastily their scanty food, uncooked, and foul with mire and blood; and the distress was enhanced by the horror of the darkness, and by the lamentations of thousands, to whom the approaching morning would probably be the last. A horse accidentally broke loose, and, terrified by the noise, galloped over those who were in its way; and even this trifling occurrence gave rise to a general consternation; and the cry, "The Germans are in the camp," was raised, and spread abroad with the velocity of thought. No one thought, for a moment, of resistance; but all, actuated by the instinct of self-preservation, rushed towards the frail defence which served for a gate, in the hope of escaping from the camp. Cæcina, having ascertained how groundless the alarm was, endeavoured, by entreaties, commands, even blows, to resist the movement, and keep the men within the encampment; and, finding all unavailing, threw himself upon the ground before the portal, so that none could pass without trampling upon his body. Shame at the thought of trampling upon their aged commander, and admiration of his firmness, accomplished what other means had failed to effect. The passage was effectually closed, and soon the tribunes and centurions found means to con-

vince the soldiers that their panic was without foundation. Cæcina then assembled his chief officers at his quarters—tent he had none—and desired them to listen attentively to his words. He warned them to take note of the extremity of the time; shewed them that their only safety was in their swords; and only in them when directed by sober wisdom. It was his plan, he said, to lie within the shelter of their camp until the enemy, allured by the hope of plunder, drew close to the walls, and then they must endeavour to burst through them, and attempt to reach the Rhine in one body; for if they should seek to save themselves by dispersion, or a disorderly flight, they must expect to meet insuperable difficulties from the woods and marshes; and, above all, they would have to dread the unsparing ferocity of an embittered enemy. Having laid before them his views respecting the means of preservation, he reminded them how great would be their fame and glory, if success should crown their efforts in such an extremity; how warm would be their reception at home, how great their reputation in the Roman camps. In entering into details with regard to the projected sortie, he proposed that the army should be drawn up in expectation of the decisive moment; that the soldiers most distinguished for their courage should be chosen out, and placed in front; that these, as far as their means would allow, should be mounted; and thus, supported by the foot, fall, at the appointed signal, upon the enemy. With such a clear exposition of his design, and with such incentives to exertion, did the undaunted old man seek to infuse confidence into the minds of his officers; the gloomy side of the picture he left untouched. Nor were his efforts and example thrown away. The legates and tribunes entered thoroughly into his views; and, when he spoke of giving up his own horses, in order to further the mounting of the soldiers, they cheerfully followed his example. (Tac. Ann., i. 65, 66, 67.)

In the German camp a not inferior restlessness prevailed, though it proceeded from very different motives; for it was partly the consequence of impatience for battle and cupidity of plunder, but chiefly owing to discordancy of opinion among the Cheruscan leaders. Armin, true to the principles of native warfare, which had produced such glorious results, proposed that they should permit the Romans to recommence their march, and again attack them when they became embarrassed by the difficulties of the marshy ways. Inguiomar, on the contrary, with a less perfect apprehension of the advantages which discipline, in a pitched battle, gave the Romans, insisted on an immediate onslaught; and his opinion was most acceptable to the fierce spirits who were assembled in the council, to whom the chance of repulse seems never to have oc-

curred. "Why not assault the camp?" they shouted. "Carry it by the sword, and it will end the war; and there will be more captives, and a richer booty." The latter argument appeared unanswerable to the mass of Degen, whose courage it flattered, and whose lust of spoil it tempted. They supported, therefore, the proposition of Inguiomar, and Armin was compelled to submit to their decision. With the first appearance of the morning light, the German Wehrmen crowded round the camp of Cæcina, wherein the Romans were already drawn up, waiting, in anxious silence, the moment of their contemplated outbreak; and, as the barbarians saw neither sentinel on the walls, nor could discover any other token of resistance, their courage became foolhardiness; and they ascribed to terror or despair the silence which was produced by cool and resolute determination. Already were the ditches leaped, the walls clomb, by the foremost Recken, on whose traces their companions were tumultuously pressing, when Cæcina gave the word. Gates flew open at the signal, trumpets sounded, and horse and foot, sallying forth, wheeled to the right and left, and fell upon the rear of the Germans as they were crowding, without order, upon the intrenchments, shouting, "These are not woods and morasses; the gods are just upon fair ground!" To the Germans, who were thinking only of a prey of half-living and worn-out men, the clang of the Roman trumpets, and the flash of arms, were the more terrible, because they were unexpected; and, as the scaling of the Roman fortification had mingled them confusedly together, it was impossible to rally them; they had no resource but flight; their flight became a total dispersion, and they were pursued and slaughtered by the Romans as long as daylight continued, or their strength held out. Inguiomar was himself badly wounded in the battle; Armin escaped unhurt. (Tac. Ann., i. 68.)

It was night when the weary legions returned from the pursuit to rest for a few hours within the bounds of their intrenchment. Their wounds were grievously multiplied, and there was the same deficiency of necessaries; but, in their exultation over their unhopèd deliverance, they felt no want, for their victory supplied the place of strength, health, and plenty. While these events were going on upon the borders of the Lippe, a report was carried, probably by some fugitive, to the Rhine, that the Roman army had been encompassed and annihilated by the barbarians, who were now on their full march upon Gaul; and so great was the general consternation excited by the rumour, that the Roman authorities themselves almost despaired, and every bridge upon the river would have been broken up, had not Agrippina, the wife of Germanicus, resolutely interfered to prevent so great a dishonour. Germanicus was not yet

returned, nor was it certainly known what had become of him, and in the emergency occasioned by the general abandonment of duty, the imperial and imperious woman, the grand-daughter of Augustus (Tac. Ann., vi. 25), endowed with more than the courage, more than the ambition of a man, took upon herself the duties of a general. At length, Cæcina reached the Rhine, unmolested by any further assault of the Germans; and as his legions defiled over the bridge, apparently at Wesel, Agrippina stationed herself upon it, directing clothing and necessaries to be distributed to the tattered and destitute soldiers, medicines to be provided for, and care to be taken of, the wounded, and was lavish of her thanks and praises to the glorious old man and his brave companions. This assumption of authority by Agrippina was, notwithstanding the necessity of the time, above all things offensive to the mind of Tiberius, from whom it drew forth a commentary of more than usual malignity. "There was an end," he said, "to the duties and authority of an Imperator, if women were suffered to inspect the troops and approach the standards, or should take upon themselves the power of distributing gratifications to the soldiers. Agrippina appeared now to be more acceptable to the army than legates and commanders; a woman had appeased a sedition which had withstood the authority of the prince." This dread of the popularity of the family of Germanicus with the Rhenish legions, which incessantly haunted the mind of Tiberius, was nourished by his minister Sejanus, who was well acquainted with the spirit of his master. "*Odia in longum jaciens, quæ reconderet, auctaque promeret,*" nor did it cease to rankle in his breast; nor did he rest until he had found a plausible pretext for separating them from their only safeguard. (Tac. Ann., i. 69.)

While Cæcina was contending with the barbarians in the morasses of the Lippe for life and safety, a part of the legions which had taken the route towards the sea had been exposed to perils of another nature, but of almost equal imminence. When the army had arrived at the bay wherein the Ems pours its waters, Germanicus, in order to lighten the ships, and so facilitate their passage over the shallows, with which the coast abounded, committed the second and fourteenth legions to the care of P. Vitellius, with instructions to proceed by land, through the country of the Frisians, to the Rhine. The first day's march of Vitellius, over a dry and level country, and freshened only with a gentle breeze, was prosperous enough; but on the second day there arose from the north, as is usual in those latitudes about the time of the Equinox, a storm of tremendous violence, by which the sea was swelled to a height which threatened the safety of the troops, for it broke over the

sand-banks which restrained it; the whole district was inundated, and as far as the eye could reach, sea, sands, fields, were one expanse of water. There was no distinguishing solid ground from the marsh, nor shallows from the deep; the waves and the eddy swept together cattle, dead bodies, baggage; order was out of the question, for some of the men were up to the breast, some up to the chin, in water; the very earth seemed to melt away beneath their feet, their voices were choked, and mutual encouragement, which usually lightens the fatigues of a march, was at an end. In this extremity there was nothing to distinguish the brave from the timid—the prudent man from the simple; counsel and accident were all one; all were overwhelmed by the common violence. About the close of the day, Vitellius had the good fortune to clamber through the water to some higher ground, on which he proposed to rest the wearied troops; but they passed the night without fire, without utensils of any kind; the greater number of them naked and bruised, thinking how much less wretched would have been their lot had they been surrounded by overpowering enemies; for in that case they would, at least, have had the prospect of a glorious death, while here they had nothing but a miserable end before them. Towards the morning, however, the storm abated, the waves again subsided, land became once more visible, and Vitellius found means to reach the mouth of the Yssel (Cluv. Germ. Ant., iii. 70), whither Germanicus was steering with his fleet. There the two unlucky legions were taken again aboard the vessels, and all returned to the Rhine together; but the report of the wreck of the fleet, and the destruction of the army, had been so confidently circulated in the Roman territory, and was so universally believed, that scarcely the appearance of Germanicus and his legions could convince the inhabitants of the reality of their salvation. (Tac. Ann., i. 70.)

CHAPTER IX.

Idistabius.

THE accession of Inguiomar to the Cheruscan confederacy had promised to place in the hands of Armin the means of forcing the barrier of the Rhine, and of attempting the liberation of Thusnelda; but as it not unfrequently happens, that objects which we have most coveted are converted by Providence into instruments to plague us, so the apparent good fortune had brought upon him a Roman invasion before his measures were matured; and by taking the command out of the only hands which were competent to wield it, it had brought about the escape of Cæcina. Different, indeed, might have been the result had the counsels of Armin been listened to; four legions might have followed the steps of Varus to the land of shadows, for it was not without reason that Armin, in the recesses of the Lippian-wald, had exclaimed, "Lo, Varus and his legions!" Considerations of this nature would naturally occur to the Germans themselves after their defeat by Cæcina, and censure would be cast upon Inguiomar for precipitancy, which, had it been successful, would have been lauded as heroic virtue. The multitude would not remember that the eagerness of the leader had been backed by their own cupidity, they would dwell only upon their defeat; the popular judgment in misfortune is ever thus. A defeat, moreover, of an army composed of independent confederates, has ever the effect of loosening the confederacy; every one is disposed to shift blame from his own shoulders to those of others, and a general lukewarmness and mutual distrust are too often found at the very moment when union is most essential. Thus, in the present instance, the war languished for a time; we hear no more of an invasion of the Rhine—no more of Thusnelda—and it appears that some of the

Cheruscan princes submitted themselves to the Roman government. Stertinius is said to have been deputed by the Roman general to receive the submission of Segimar; but that some delay occurred, in the case of the young man, because he was accused of having insulted the corpse of Varus. Armin, himself, was compelled to abide, for a time, in irksome inactivity; it was not that his fame, his glory, his estimation in the eyes of his countrymen, was diminished, for they were well aware that all his enterprises had been prosperous; but he had still to contend with secret jealousies, and the ill-success of the attack upon Cæcina had, perhaps, already, sown the seeds of discord between Inguiomar and himself. He was sensible, however, that it was not the time to relax his efforts. The invasion of the Romans—the character and preparations of Germanicus—warned him that new battles must be fought upon German ground, and that no ordinary exertions would be necessary to collect a force which would enable him to grapple with a power so enormous. (Tac. Ann., i. 71.)

Germanicus, on his side, was indefatigable. His losses had been great, but he had found out the secret of winning the soldiers' hearts. He visited the wounded in person; often affected to call to mind the exploits of individuals; was accessible to all; conversed freely with all; to one he held out the allurements of distinction, on another he conferred solid reward; and, both by his generosity, and by those little personal attentions which are more grateful to such minds than the costliest munificence, he made them devoted adherents to his family and person. His name became so popular, not in the army only, but throughout the empire, that Gaul, Italy, and Spain, vied with each other in replacing his losses, offering him voluntary gifts of arms, horses, and money. The arms and the horses he thankfully accepted, but the soldiers he supported with his own money. To Tiberius, the increasing reputation of Germanicus was wormwood. Notwithstanding the title of Imperator had been conferred upon Germanicus, and triumphal ornaments upon Cæcina, Apronius, and Silius, the war in Germany had been contemplated with no satisfaction by Tiberius, and if he submitted to it with patience, it was, perhaps, in the hope that it might rid him of the dreaded nephew, and the mutinous legions. Now that they had emerged from it, with loss, certainly, but also with fame and glory, he looked with secret pleasure upon a war which had broken out in the East, in which, under the honourable pretext of his presence being essential in that quarter to the public welfare, he saw the means of separating Germanicus from comrades who were devoted to his fortunes. Among strange legions, and in remoter provinces, he knew he would be more assailable, more

exposed to accident and treachery (Tac. Ann., ii. 5), and with a settled malignity of purpose, he availed himself of the occasion to recal him from the Rhine in order to take the command in Asia. Germanicus understood the insidious mandate, which, yet, neither his principles nor his strength permitted him to disobey, but he burned with the desire of effacing, before his departure, the remembrance of his losses by a decisive victory, and he determined, ere he obeyed, to make one more campaign in Germany. With a view to the most certain attainment of his object, he carefully revolved over in his mind the experience of good and evil, with which his three former campaigns had supplied him. "The Germans," so he reasoned, "have ever been beaten by the Romans on level and open ground. The woods and morasses, the summers and the length of the winters have been, to them, all-powerful allies, and our losses have been occasioned not so much by the weapons of the enemy, as by the length of marches, and the loss of military stores and materials. Gaul is exhausted of horses; a long train of wag-gons is a temptation; it gives opportunity to all kinds of snares, and, when retreat is necessary, becomes an insupportable burthen. But the sea offers a way by which invasion is easy to us—an invasion which cannot be foreseen by the Germans; by its means the war can be begun earlier, stores and legions further transported, and men and horses may be landed, in the best condition, on the coast, or carried up the rivers into the very heart of the enemy's country." Impressed by these considerations, Germanicus resolved to assemble, or build, under the superintendence of Silius, Anteius, and Cæcina, a fleet of a thousand ships, some short, with narrow stems and sterns, but wide in the middle, so as better to endure the waves, others with flat bottoms, which might be run ashore without damage; many had a steerage at each end, in order that, by changing the order of rowing, they might be impelled in whichever direction was desirable, and many were provided with decks, on which military engines might be placed, and which were also calculated for the transport of stores and horses. Though fitted with sails, the speed of these latter vessels was accelerated by oars, and they derived, from the spirit of the soldiers who were ranged upon the decks, a lively and, at the same time, a formidable appearance. The Batavian isle, which possessed conveniences for the assembly of large military and naval forces not to be found in the higher part of the Rhine, and was advantageously situated with relation to the expedition in prospect, was appointed the general rendezvous. (Tac. Ann., ii. 6.)

While these great preparations were going on, Germanicus, either to occupy the troops, or to divert the attention of the Ger-

mans from his operations, undertook a new foray across the Rhine. He despatched the legate, Silius, with a light force, to harry the land of the Chatti, while he himself, with six legions, passed over the river at Wesel, and proceeded along the Lippe to Aliso, which he heard was beset by the barbarians. The besiegers dispersed, without a battle, on the report of his advance, but they destroyed the mound so lately piled over the remains of the Varian legions, as well as the ancient altar which he had consecrated again to the memory of his father, Drusus. The altar Germanicus once more rebuilt, and funeral games were celebrated around it; but, with the censure of Tiberius yet ringing in his ears, he did not venture to restore the green monument of his fellow-soldiers, rather employing his troops in raising new embankments and fortifications, and making secure the whole way between Aliso and the Rhine. Silius who, on his side, had been delayed by heavy rains, had done little, except that he had found means to lay hands on the wife and daughter of Arp, an Adelung of the Chatti, and bring them prisoners into the Roman territory. These seem to be the whole results of the expedition, as related by Tacitus. There are two things in the narrative which are not to be clearly explained. The first, that Aliso, which had been abandoned by Cæditius, and destroyed by the Germans, after the defeat of Varus, appears to be again in possession of the Romans, and it can only be presumed that it had been rebuilt by Tiberius or Germanicus, though the fact of its restoration has not been noticed. A more difficult subject to account for is that Germanicus, when so near, with almost his whole disposable legionary force, to the Weser, should yet turn back to the Rhine, in order to approach the same locality by a circuitous and uncertain route. (Tac. Ann., ii. 7.)

The fleet, which had been so long assembling at the Batavian isles, being now in readiness, stores and provisions, legions and allies were taken aboard, and the armament proceeded through the canal of Drusus, on its way to the Zuyder-Zee. As they entered the great work of Drusus, Germanicus stood high on the prow of the vessel, poured a libation to his father's manes, and prayed him "that he would be pleased to look down propitiously upon the son who was now about to venture upon the same dark enterprize; that he would guide him by his secret counsels, inspire him by his example, and strengthen him by the recollection of his wisdom and his virtue." Favoured by the weather, the fleet then proceeded down the Yssel into the Flevum, whose shallows it safely navigated; from the Flevum it coasted, as before, along the margin of the ocean to the mouth of the Ems, which it reached without incident. Germanicus landed his troops at Amisia, a fort on the left bank of

the river which had probably been founded by his father and restored by himself, and leaving his shipping behind, he advanced up the margin of the stream to a point at which he thought the forces might be conveniently transported over to the right bank. Some days were occupied in laying down a bridge, and making preparations for the passage, which, upon the whole, was happily accomplished; the horse, however, and some of the legionaries had, in the mean time, taken advantage of the ebb, and boldly crossed over the estuary of the Ems, but the auxiliaries who attempted to follow, particularly the Batavians, who, proud of their skill, delayed too long in exhibiting their feats in the waters, were caught by the tide, and some of them were drowned. It is imputed as an error, to Germanicus, that he did not carry his shipping farther up the river and land the troops at once on the right bank, thus avoiding the danger and delay of the transport; it is clear, however, from this passage that the fort Amisia was on the left shore of the Ems, and, consequently, that Emden, which has been taken for Amisia, has no claim to the honour of Roman foundation. From the Ems Germanicus took his way to the Weser, on the bank of which river he was laying down his encampment, when intelligence was brought him of the defection of the Angrivarii, a people which had submitted, at the same time as the Chauci, to the Roman Government, and Stertinius was sent back, with the horse and some light troops, to chastise them. Their perfidy, as it is called by the Romans, was revenged with fire and sword. (Tac. Ann., ii. 8.)

On the right bank of the Weser, the host of the confederate Germans, under the command of Armin himself, was assembled. As the Romans were marking out their encampment on the opposite shore, Armin, attended by other Adelings, approached the river, and, calling to the Roman sentinels on the further side, enquired if the Cæsar were yet arrived. Being answered in the affirmative, Armin begged permission to speak to his brother, whom he had not seen for many years, who was a soldier in the Roman army. This brother was the Flavius who had been so long in the Roman service; he had served in Pannonia, under the command of Tiberius; had lost an eye, and received many wounds, in the course of his campaigns, and had been honoured by his commanders with rewards and military decorations. Having been absent from his native country at the time of the Varian insurrection, he had taken no part in the folk-conflict; nor does it appear that he had since revisited Germany; for many a year is said to have passed over since he parted from his family, and Armin naturally longed to see, once more, the brother of his childhood. Germanicus made no difficulty in granting his permission for the interview; and Flavius ap-

proaching the river's brink, Armin dismissed his escort, and requested that the Roman archers might also be withdrawn. This request, too, was complied with. Armin then greeted his brother, and, shocked at his weather-beaten appearance, enquired where he had lost his eye. Flavius named the battle and the place; and being asked what had been the compensation of so serious an injury, enumerated the increased stipendia which he received, and spoke of the collar, the crown, and other military distinctions, which had been conferred upon him. Armin smiled contemptuously at the mention of these things, which he designated as the ensigns and rewards of slavery, and sought to awaken in his brother's mind the nobler feelings of patriotism and liberty. Flavius, on his side, endeavoured to convince Armin of the hopelessness of the course he was taking; dwelt upon the greatness of Rome, and the power of the Cæsar; warned him of the terrible punishment of defeated rebels; called upon him to remember that there was pardon for all who submitted, and bade him reflect upon the merciful treatment of his wife and child, who, in the course of their imprisonment, had suffered neither injury nor insult. Regardless of all these topics, Armin still pressed his brother. "Come," said he, "to us. The claims of your native country, the liberty which our fathers bequeathed us, the very gods of Teutschland call upon you; your mother's voice is joined with mine in intreating you. O come! Be no longer looked upon by folk and kindred as a deserter—as a betrayer; but come to your proper place, and be a leader of your people." The appeal of Armin went to the heart of Flavius; but, as is common with those who have made up their minds to persevere in evil, he burst into ungovernable passion at the earnest admonition; nor would his anger have been confined to words, had not the river flowed between the brethren. As it was, he called for his horse and arms, and was only withheld from attempting to pass over by the intervention of Stertinius, while Armin, embittered by his infatuation, renounced all kindred and affinity with him, and defied him and his Roman friends to battle. And so the brothers parted for ever. (Tac. Ann., ii. 9, 10.)

The next morning shewed the German host drawn up on the opposite side of the river, with the apparent determination of giving battle. Germanicus, in order to obtain time for throwing over and fortifying a bridge for the passage of the legions, directed the horse under the command of Stertinius and of Æmilius, one of the *primipilæ*, to cross the water at fords considerably distant, and thus divert the attention of the Germans from his operations. Cariovalda, the prince of the Batavians, and his people, who were practised swimmers, forded the river where its current was the swiftest, but

were drawn from the water-side into the wood-encircled plain, by a pretended flight of the Cherusicans, who, suddenly stopping short, surrounded the Batavians in a moment, fell upon them from all sides like a tempest, and drove them in a mass together. The more the Batavians gave way, the more they were pressed by the Cherusicans, some hand to hand, some galling them from a distance. Cariovalda long withstood the unequal conflict; in vain he endeavoured to form his warriors into a solid body, in order to break through the overpowering numbers of the Cherusicans; in vain he himself was first in the charge; his horse was killed, and he fell covered with wounds, with the noblest of his people around him. The survivors maintained the fight until they were brought off by the horse under Stertinius and Æmilius. (Tac. Ann., ii. 11.)

In the mean time Germanicus had crossed the Weser, and learned from a deserter that the plain before him had been selected by Armin as his battle-field; that many German nations were assembled, at no great distance, around a grove sacred to Wodan; and that, in the following night, an attack upon the Roman camp was contemplated. The watch-fires which, after sunset, glimmered through the darkness of the woods, seemed to offer a confirmation of the report; and the spies, who were sent nearer to the forest, declared that they had heard the neighing of the horses, and the hum of innumerable multitudes. Everything announced that the decisive hour was at hand; and it was regarded not without anxiety by Germanicus, who was well aware that, in his present relations with Tiberius, fame, perhaps life, depended upon victory. Neither was he altogether at ease with respect to the temper of the soldiers. It is far pleasanter to tribunes and centurions, so he reasoned with himself, to make flattering rather than true reports; the servility of freedmen is proverbial; and no reliance must be placed upon the flattering opinions of friends. The way to know the soldiers' minds is to hearken to their discourse over their camp-kettles, where they talk freely and fearlessly about the occurrences of the day. Under the influence of such reflections, he crept through the camp, disguised in a cloak of fur, and attended by a single servant; listened under the tents, and heard (what listeners seldom hear) unbounded commendations of himself. Wherever he stopped, his praise was the general theme; his generosity, his noble presence, his patience, the social temper which, in jest or earnest, was ever the same; and they promised one another that their devotion and gratitude to their general should be shewn by deeds, and that the perfidious peace-breakers should rue the day of glory and vengeance which was dawning. While Germanicus was making his round through the camp, a German horseman, who was acquainted with the Latin

language, rode up to the trench, and cried out, with a loud voice, that Armin would bestow upon all deserters from the Roman standard, lands, wives, and, so long as the war continued, a daily pay of a hundred sesterces. The tempting proposition was regarded as an affront by the soldiers, who shouted angrily, in reply, "Day will soon be here, and the battle will come on. We will then take your lands, and carry off your wives. We accept the omen; your wives and goods shall be our prey." Calmed by these indications of the soldiers' spirit, Germanicus returned to his tent, and passed a happy night. He dreamed that he was sacrificing, and that his *prætexta* being smeared with the victim's blood, he received another and a fairer at the hands of his grandmother Augusta. Cheered by the omen, he arose with a clear mind; and, having drawn up the troops in battle order, addressed to them such words as were fitting to the occasion. He told them that it was not the plain alone that was advantageous to Roman warfare, but that the wood and the wald were equally favourable, if used with tact and prudence; for the huge shields of the barbarians, and their enormous spears, were far less convenient for fighting among the stems and branches of trees than the short sword and lance, and tight armour of the Roman. "Only," he said, "redouble the blow, and strike at the face. The German has no helm, no armour; his shield is not even strengthened with iron and leather, but is made only of painted board, or still more miserable osier. The first line alone has lances, the rest nothing but short spits or stakes, hardened in the fire. Strong in body, and grim in aspect, they are good at a sudden attack, but they have no patience under wounds, no sense of dishonour, no care for the glory of their leader; and they retire or take to flight at their own pleasure. Cowards in misfortune, in prosperity they respect neither divine nor human rights. If you, soldiers," he continued, "desire to make an end of these wearisome marches and sea-voyages, the battle will enable you to do it. You are already nearer to the Elbe than to the Rhine; there is no war beyond; only enable me to tread the steps of my father and my uncle, and make me victor upon the same ground." The address of the general was successful in kindling the ardour of the soldiers, and the signal for battle followed. (*Tac. Ann.*, ii. 12, 13, 14.)

Neither had Armin, and the other German Adelings, neglected anything which might strengthen the determination of their countrymen. "These," said Armin, pointing to the Roman ranks, "are Romans! the refuse of the army of Varus, or those who, to avoid the perils of war, broke into dishonourable mutiny. Many of them bear the marks of your weapons on their backs; of many the limbs are bruised and broken by flood and storm. These are the marks

which they offer, hopeless, to angry gods, and to an enemy embittered by their oppressions. They come over the depths of the ocean, that no one may meet, no one pursue them. But here they must fight; neither winds nor oars can help them now. Think of their past cruelties, their rapacity, their insolence. Think that nothing remains for us but to live freemen, or to die so." With these words Armin led the Germans, burning with the lust of battle, into the plain which bears the name of Idistavicus (Tac. Ann., ii. 16), a plain which lies betwixt the river and a range of hills, and of which the breadth varies in proportion to the windings of the river, or as the mountains approach nearer, or are more distant from its banks. From the margin of the plain arose a forest of lofty beeches, the surface of the ground beneath which was free from brushwood; and it was here, upon the very verge of the forest, that the Germans were drawn up, the Cherusci alone being posted upon an eminence, from whence they might rush down upon the Romans, as soon as they were engaged in battle. The march of the Roman army was commenced by the Gallic and German auxiliaries, followed by archers on foot; then came four legions and the Cæsar, environed by two Prætorian cohorts and a chosen guard of horse; the remaining four legions followed, with the light-armed foot, the horse-archers, and the rest of the cohorts of allies. While the troops were coming into line, the Cherusicans, unable to restrain their impatience, were seen descending the hill, on which they were stationed to fall upon the Roman flank, and Germanicus ordered Stertinius, with a strong body of horse, to make a circuit, and fall upon their rear, promising to co-operate with him at the decisive moment. And now an omen of the happiest augury was beheld: eight eagles, the precise number of the legions, were seen to make for and enter the wood. "Forward!" cried the Cæsar; "follow the birds of Rome, the tutelary divinities of the legions." The line immediately advanced, and, at the same moment, the attack of Stertinius upon the rear of the Cherusicans was begun. A strange confusion was now perceptible in the German host, the two bodies of it flying in opposite directions; that which stood upon the plain fled into the forest, while the Cherusicans who had occupied the hill, were driven forward by the charge of Stertinius, and were fighting on the plain (Tac. Ann., ii. 17), hemmed in between the Roman horse and the auxiliary cohorts. In the midst of them, Armin, conspicuous above all others by the strokes he dealt around, by his war-cry, and by the wounds with which he was covered, long maintained the combat. On his first descent from the mountain he had fallen upon the Roman archers and light troops, who were saved from utter anni-

hilation only by the timely succour of the cohorts of Gaul, Rætia, and Vindelicia. It was impossible, however, for Armin and his people alone to continue the struggle, at the same time, with Stertinius and the overpowering numbers of auxiliaries; the odds were too great against him; nor would he himself, notwithstanding the power of his horse, and his own strength and activity, have escaped with life, had he been recognised by the Romans as the German leader. Covered with blood, he continued unknown to the strangers, the greater part of whom were unacquainted with his person; and a body of Chauci, to whom the hero was well known, who were serving, by compulsion, in the Roman army, connived at, and even assisted in his escape. The same virtue or treachery (Tacitus knows not which to call it) was also the safety of Inguiomar. Of the rest, many were cut down on the field; some, who attempted to swim the Weser, were slain by the Roman archers, or were carried away by the torrent; some, as they pressed to the water-side, were trampled down by the multitudes behind them, or overwhelmed by the crumbling banks; others climbed into trees, in the hope of concealing themselves in the branches, but were dislodged by arrows, or brought down by the felling of the trees, amidst the merriment of the soldiers. It was a great, and almost bloodless victory. From the fifth hour until the evening the slaughter continued; and, for the space of ten miles, the ground was covered with arms and dead bodies. The soldiers saluted Tiberius Imperator on the field of battle, and reared a mound of sods, upon which they piled the captured arms, after the manner of a trophy, with an inscription commemorating the names of the conquered nations. (Tac. Ann., ii. 15—18.)

Such is the account which the Roman historian gives of the first battle on the Weser. That it is somewhat confused and incomplete is apparent, and both on this account and from the magnitude of the conflict, for, probably, little less than two thousand men were engaged in it, it demands such illustration as the remoteness of the period and the deficiency of authorities admit. And first, with regard to the situation of the plain Idistavisus, in which the battle was fought. It is described as a plain extending betwixt the Weser and a range of hills (montes); it cannot, therefore, be below Minden, because, below that city, there are no hills which can be dignified by the name of mountains. Between Minden and Rintelen the river makes a remarkable bend, forming almost a half-circle, towards the west, and within the peninsula thus formed by it is a space which corresponds with the description of Tacitus. The curving of the river, the approach of the mountains to its banks, the forest by which the plain is bounded, point it out as

completely answering the marks of the historian, and the spot has been fixed upon by the greater number of German geographers and historians as the probable locality of Idistavisus. (Cluv. Germ. Ant., iii. 50; Monum. Paderb. Furst., lxvi.) Cluverius goes so far as to place the battle at Eisdorp, a village upon the plain, not far from Rintelen, in the name of which he fancies he perceives the Idistavisus of Tacitus. Luden, on the contrary, dissents from the more general opinion, chiefly on the ground of the improbability of Germanicus advancing so far from his fleet, and thinks the battle must have taken place much lower down, near the confluence of the Aller and the Weser. But there the mountains are wanting; there is nothing in that vicinity which answers to the description of Tacitus, and it is too much to assume that mountains may have been removed, and that forests may have disappeared, in order to fit the locality to the theory. To the objection of the distance of Germanicus from his fleet, may be opposed the circumstance that in the campaign in which the bones of the legions were buried, the distance from the fleet, though as great as in the present expedition, had interposed no difficulty, and, in fact, Germanicus had passed the lands of the Angrivarii; they were left already in the rear—*à tergo* (Tac. Ann., ii. 8, 9.); he must, therefore, have approached the Weser above Minden, not far from the ancient seat of Roman power. And whither else should he direct his course? What was there in the sandy and desolate flat below Minden to demand the presence of so enormous a force? The object of Germanicus in this, his final campaign, was to annihilate the German confederacy—to efface, by a decisive victory, the remembrance of his former disasters; he would, naturally, with such a purpose, and with such a mighty force, march to the quarter where the German army was assembled; and where would he be likely to find Armin and the Cheruskans but in the Cheruscan land? With respect to the obscurity in the account of the battle a few words may be ventured. The Germans were described as being drawn up in the face of a penetrable beech wood, through which, from the absence of underwood, retreat was easy. (Tac. Ann., ii. 16.) The Cheruskans alone were posted on an eminence, (*juga insedere*) which, from the expression of Tacitus, *ut præliantibus Romanis desuper incurrerent*, must have been situated upon the side, and in advance of the German line. Armin's tactics appear to have invariably led him to avoid an open battle, and to take the enemy in flank on the march, or in the flank or rear after the engagement was begun. The disposition on Idistavisus had evidently such an object, but it was frustrated by two circumstances, the flight of the Germans on the plain, and the

descent of the Cherusci from the eminence. For the movement of the Cherusci Tacitus ascribes two motives, first, their own impatience, and then the attack of Stertinius, but it might have been occasioned by the too early retreat of the Germans into the forest. Why the latter should retire, ere the conflict was begun, is unaccountable, except on the supposition that it was a mistimed attempt to draw the Romans into pursuit, and so expose them to the attack of Armin. If we suppose that it was the plan of Armin to draw the Romans into the forest, that he might fall, with his Cheruskans, upon their rear, the relation of Tacitus becomes intelligible; its miserable failure, in execution, must be ascribed either to the domestic treachery which occasioned the loss of the succeeding battle, or to that want of subordination, and independence of command, which Germanicus truly described as the characteristic of a German army.

The defeat of Idistavicus, though great, was not decisive of the war, and there is even reason for believing that it was not of that fatal character represented by the Romans; how else could the Germans have appeared, in the course of a few days, again to offer battle upon a field at no great distance from the former one? Tacitus represents the Germans as more enraged and afflicted by the erection of the trophy, than by the slaughter, the wounds, the losses, which they had sustained. The whole people, he says, flew to arms, grey men and youths, nobles and serfs, even those who had thought of migrating beyond the Elbe, arose upon this insult, as if animated with one feeling against the Romans. Far from improbable as this may be, it is also true that the slaughter by the Romans (*Tac. Ann.*, ii. 19) at Idistavicus must have been greatly exaggerated, inasmuch as the German leaders selected, without interruption, the new battle-field, and chose it at a place at an inconsiderable distance from the first—a thing impossible to an almost annihilated army. This new field was a confined, wet meadow, also upon the Weser, lying between the pass in the Wiehen-gebirge, through which the river flows into the lowlands, and the point opposite to which the town of Minden is situated. (*Tac. Ann.*, ii. 20; iii. 30.) It was bounded on the left by the Weser, and on the other parts by woods, around which a deep morass extended, except on the lower side, where a massive mound of earth had been raised by the Angrivarii, who seem, heretofore, to have extended themselves across the river, as a barrier against the Cheruskans. Upon the summit of this earthen bulwark the German foot were stationed; the horse lay covered by a neighbouring wood, with the intention of falling upon the Roman rear. These arrangements, as well as the most secret

counsels of the Germans, both as to plans and localities, were, by some unknown treachery, revealed to Germanicus, who availed himself of the information in order to turn the intended stratagem of the enemy into their destruction. He gave the command of the horse to the legate, Scius Tubero, (was Stertinius disabled in the preceding battle?) and drew up the legions in such a form that part might penetrate the wood, while the others attacked the mound. The more adventurous of these two tasks he took upon himself, the other he confided to his legates. It was at the mound where Germanicus himself headed the soldiers, that the most sanguinary conflict took place, and the men fell in numbers, of wounds inflicted by the Germans from the vantage ground. Germanicus, seeing how unequal was the combat, found it expedient to draw back the soldiers, until the adversary could be dislodged by slings and javelins, and by missiles discharged from engines brought forward for that purpose. This species of attack succeeded. The Germans had no protection against such weapons; the greater the throng of Degen on the mound, the greater was the destruction, and they had no resource but to give up the object of contest and retire to their confederates in the Wald. Germanicus upon this, having, at the head of Prætorian cohorts, first seized upon the mound, made an assault upon the wood. The position of both armies was now such, that the Germans had the morass in their rear, the Romans were hemmed in by the river and the mountains, and from the very nature of the situation there was no hope to either party but in their own valour, nor safety but in victory. This was felt by the Germans, and they were resolute for the fight, but they were beaten by the battle, and the weapons; for the place was far too confined for such immense multitudes, who could neither use their long spears to advantage, nor avail themselves of their personal activity and strength of body; their helmless heads and uncuirassed breasts were at disadvantage when standing against the sword-thrusts of the well-armed Roman legionary, and the slaughter among them was very great: still they stood the conflict till the day drew to its close. Armin, disabled by former wounds, could take no part in the battle, but Inguiomar flew through the host, encouraging his warriors by his example and his words; it was fortune, not courage, which deserted him that day. (Tac. Ann., ii. 21.) Germanicus himself, to be better known, laid aside his helmet, and called to the soldiers to make no captives. "Kill all," he cried, "captives are worthless. Nothing but the extirpation of the whole race can put an end to the war!" Ruthless and inhuman as the mandate was, it was at least a proof that the Romans were reduced to such extremity, that none could be spared from the battle to take

charge of prisoners, but that it was as much as the whole army could do to make head against the Germans. Late in the day, Germanicus drew off one of the legions to prepare the customary entrenchments, to which, towards night, the rest, satiated with slaughter, returned. The horse, it is admitted, had fought with doubtful success; what became of the Germans the historian does not say; they had not yielded, they had not retreated, for retreat was cut off by the morass; notwithstanding the vastness of the slaughter, they kept their ground after the Romans had retired, but probably so crippled, that they were little able to assert the honour of the day. (Tac. Ann., ii. 21.) Germanicus, after bestowing merited praises upon the soldiers for their conduct, raised a new trophy, on which was the proud inscription: "The army of Tiberius Cæsar, after vanquishing the nations betwixt the Rhine and the Elbe, have consecrated this monument to Mars, to Jove, and to Augustus." Nothing of himself, not even his name, was permitted by Germanicus to appear in the inscription. He knew, too well, the jealousy of Tiberius, and contented himself with the glory of his deeds. (Tac. Ann., ii. 19—22.)

CHAPTER X.

The Triumph.

SUMMER was yet in its prime when the battles on the Weser were fought, A.D. 16, but no further attempt to enforce the subjugation of Germany was made by Germanicus, who, early as it was, directed part of the troops to proceed, by land route, to their winter quarters on the Rhine, while he himself, with the far greater portion, marched back to the Ems, to return by the way of the ocean. On his way to Amisia, through the land of the Angrivarii, he committed to Stertinius the task of chastising that people, for their defection; but he was appeased by their submission, and pardoned them without imposing any penalty, probably deeming it more politic, in his present plight, to be satisfied with little, than to provoke a war which would bring the Cherusicans and the confederacy of Northern Germany upon him.

The retreat, indeed, of the Romans, at so unseasonable a period, can only be explained by the losses which they had sustained; it is evident that they were in no condition to follow up their victories, and that their continuance in the centre of hostile nations was useless, if not dangerous. It is true that the Germans had suffered in an equal, perhaps greater, degree; or why suffer the enemy to withdraw without molestation? Both parties seem, for the time, to have been disabled; but, while the Romans had failed in the object of their invasion, Armin, though not victorious, was still unconquered, and had had again the glory of freeing his native soil from the presence of the all-powerful enemy. The voyage of Germanicus homewards is said (if the disasters of the flood are not invented or exaggerated, in order to cover the disasters of the field) to have been still more fatal to his soldiers than their campaigns. In the beginning of the voyage, fortune appeared propitious; the

heavens were clear—the ocean calm—and the billows sparkled under thousands of oars; but, suddenly, a tempest arose; hail poured down from a mass of black clouds, attended with such gusts of wind, from all quarters, as raised the waves to the sky, obscured all prospect, and rendered the rudder useless. The soldiers, helpless themselves in the dangers of the seas, were ever, with their fears, in the way of the sailors, and so troubled them with officious and unseasonable help, that skilful management of the vessels was scarcely possible. When this hurricane had somewhat subsided, a storm of wind from the south set in, bearing on his wings piles of black clouds, which were swelled with waters of the moist tracts and deep rivers of Germany, which again mingled sea and sky together, and, more dreadful in its effects than the native north, drove the ships over the ocean, or dashed them on the rocky isles or hidden shallows of the coast. No anchor held, no baling could avail against the rushing in of the waters. War-steeds, pack-horses, baggage, military engines, even arms, were, of necessity, thrown overboard to lighten the vessels; and, notwithstanding these precautions and sacrifices, part of the ships went to the bottom—part were cast upon distant islands, destitute of human culture, where the soldier perished of hunger, or sustained a miserable existence by the flesh of the dead bodies which were cast upon the shore. The Trireme of Germanicus was driven upon the coast of the Chauci, where he, with difficulty, reached the land. There he remained some days, in the hope of the re-appearance of some of the fleet; and as he stood, night and day, upon the desolate sands, watching in vain, and thinking he was the cause of the ruin which had overwhelmed his companions, he was with difficulty withheld, by his attendants, from throwing himself into the ocean, which had become the grave of so many of his friends. But, as the storm abated, and the sea became more still, the crippled ships began, one by one, to return; some with insufficient or broken oars, some with sails made out of cloaks and articles of clothing pieced together, some of the most damaged towed by their abler companions, and joined their commander off the Chaucan land. Such of the vessels as could be hastily refitted, Germanicus despatched to explore the islands, and bring away the shipwrecked soldiers, many of whom were by these means recovered. It is a pleasing trait of German honesty, that many of those who were cast upon the coast were redeemed by the Angrivarii, who had so recently been at war with Rome, and received into the Roman alliance; there were some, also, who had been carried by the tempest as far as Britain, who were sent back, unransomed, by the Reguli of that country. Wonderful stories were related by these involuntary travellers on their

return, respecting the monstrous objects which they had witnessed or heard of—whirlpools, sea monsters, strange birds, and beings half-human, half-bestial. Such was the result of the great expedition which had cost so much treasure and time to prepare. The expense of human life had been enormous, and the victory, if not doubtful, was unprofitable; not a foot of land had been added to the Roman Empire, whose eagles were seen on the Weser no more. (Tac. Ann., ii. 23, 24.)

Although Germanicus, with the remains of the fleet, succeeded in reaching the Rhine without further disaster, there was no possibility of concealing from the world the immense losses which he had sustained, and apprehending that the knowledge of them might tend to provoke an insurrection among the Germans in the neighbourhood of the Rhine, he felt that new efforts must be made in order to demonstrate to the barbarians that the power of Rome was unshaken. In the autumn of the same year, 16 A.D., he despatched C. Silius from Mainz, with 30,000 foot and 3,000 horse, on an expedition into the land of the Chatti, while he proceeded in person from Vetera with still greater forces against the Marsi, one of whose Adelings, Malowend, who had been deposed and driven away by his countrymen, and had sought an asylum among the Romans, having assured him that the eagle of one of the Varian legions was buried, under the care of a slender watch, in a sacred grove at no great distance, and proposed to conduct him to the spot. Lured by an object so captivating to the military pride of the Romans, the Caesar marched a body of troops to engage the enemy in front, while a detachment was sent round to the rear to take possession of the grove, and dig the ground where the eagle was said to be preserved. Both of these bodies, it is said, succeeded in their operations; the attack of the one was successful, and the grove was carefully examined by the other, but it is not said that the eagle was discovered; indeed, it is most probable that the report was either a fabrication of Malowend's to induce the Romans to avenge him on his countrymen, or it related to the eagle said to be in possession of the Bructeri; for it is not to be supposed that the Cherusicans would concede the honour of both these trophies to the people of that part of Germany, and we know, from Florus, that in the reign of Trajan two eagles remained in the possession of the barbarians. (Flor. Epit., iv. 12, 38.) After the fruitless search after the eagle, Germanicus advanced further into the country, where he burnt and destroyed every village he approached, without meeting any resistance of importance; for astonishment, as he was assured by the captives, that the Romans, after sustaining a loss in men and horses so immense, that the coasts of northern

Germany were covered with their bodies, should yet appear again with equal audacity and increased numbers, so confounded them, that they concluded they could be nothing less than invincible and superior to fate. Having thus restored the confidence of his soldiers, and satisfied himself of the improbability of an appearance of the enemy upon the Rhine, Germanicus led the troops, loaded with booty, and rejoicing that the good fortune of this foray had atoned for the disasters of the ocean, back into winter quarters, where his munificence made good to every soldier the loss which he had sustained in his voyage from Amisia. He could not restore life, but he richly compensated, with his own money, pecuniary injury; nor can we wonder that a man so generous should have been the idol of the soldiers, who would have followed him, not merely to the conquest of Germany, but to the bounds of the habitable world. (Tac. Ann., ii. 25, 26.)

The conquest of Germany appears, by this time, to have obtained an almost exclusive possession of the mind of Germanicus, and he pleaded earnestly with Tiberius for another summer's campaign. He represented that, provided he might be permitted to carry on the war only for one year more, he entertained not the slightest doubt of the entire submission of the Germans. But Tiberius was inexorable. He admonished, in frequent letters, that the time was come when it was proper to return and celebrate his triumph; that there had been enough of great events, enough of accidents. Great battles had been won; but Germanicus should also call to mind the disasters of the sea, which, though not to be ascribed to any imprudence of his, had brought upon the republic tremendous and almost intolerable loss. "Nine times," continued Tiberius, "have I been sent by the divine Augustus into Germany, and have each time accomplished more by policy than by arms. (Tac. Ann., ii. 26.) By policy I brought the Sigambri into subjection; by policy I cajoled the Suevi and their king, Marbod, into a peace with Rome; and now that the glory of the Roman arms has been vindicated, the Cherusicans, and the rest of the ever-restless Germans, may be safely left to their own dissensions."

When Germanicus still pleaded for another year, in order to finish the war which was already begun, Tiberius tried to flatter his vanity by proposing the honour of the consulship, the duties of which office would demand his presence at Rome; and, as a last resource, added, "Consider your brother Drusus. If the war is really necessary, let him, also, have the opportunity of earning glory; for, in this time of universal peace, it is only by commanding against the Germans that he can obtain the laurel and the title of Emperor." Germanicus felt that no resistance could be opposed

to an appeal of this nature, though he saw clearly into its hollow nature, and knew that the emperor's pretences were prompted by jealousy, and intended to rob him of his fame; but further stay was impossible without an absolute rupture with Tiberius, a step which he seems never to have contemplated; and, after a four years' residence on the borders of the Rhine, he finally quitted Germany. At Rome he was received with the most flattering demonstrations of favour by Tiberius, and with the most affectionate tokens of regard by the Roman people; for he was the heir of his father's popularity, as well as of his great name. The emperor's body-guard, on horseback, met and conducted him into the city; but a warmer, a more honest welcome, was that of the population of Rome, the greater part of which turned out, some mounted, and some a-foot, and went twenty miles along the Flaminian way, to meet and accompany him into the city. Nor was the senate backward in welcoming the adopted son of the emperor, and the favourite of the people. Towards the close of the year was dedicated the triumphal arch, hard by the temple of Saturn, which had been erected by the senate in commemoration of the recovery of the standards of Varus by the army of Germanicus, under the auspices of Tiberius. (Tac. Ann., ii. 26, 41.)

It was on the 29th of May in the following year, 17 A.D., in the consulship of Caius Cæcilius Rufus, and Lucius Pomponius Flaccus, that Germanicus celebrated his triumph over the Cherusci, the Chatti, the Marsi, the Angrivarii, the Bructeri, the Chauci, and other nations inhabiting Germany, as far as the river Elbe. Tiberius lavished honours of all kinds upon his nephew and the occasion; nominated himself the colleague of Germanicus in the consulship of the ensuing year, and distributed among the Plebs, in his name, a donative of three hundred sesterces a man. The procession was one of no ordinary splendour. In the triumphal chariot with Germanicus were his five children, a sight, above all others, lovely in Roman eyes; before it were borne the spoils of the war, the Roman standards recovered in the Burg of Segestes, arms of conquered warriors, representations of German rivers and mountains, and of the battles which had been won; then came the flute-players, the white bulls, with gilded horns, which were destined for sacrifice, followed by the Camilli, bearing the Pateræ and holy instruments and vessels. A long line of barbarian captives, men, women, even children, succeeded, bound in fetters; as living evidences of Roman victory. Among the captives were Theuderich (Tac. Germ., xlii.), a prince of the Sigambri, the son of the brother of Melo, and Libys, a priest of the Chatti. Segimund, the son of Segestes, Sesithacus, his cousin, with his wife, Rhamis, a daughter of Acrumer, an

Adeling of the Chatti, were also there; they had given themselves up voluntarily to the Romans, but their submission procured them no exemption from the chains of a Roman triumph. Was the vanity of Germanicus too great for his sense of justice, that men were exhibited in his triumph who were not the captives of his sword? Or did Tiberius insist upon shewing these unhappy princes to the Roman people as specious evidences of the termination of a war which was not even yet determined? Such speculations as these excited little interest among the crowds of happy idlers who that day filled the Via Sacra, and cared little about the circumstances or fate of barbarian captives; but all eyes were turned upon Thusnelda, the wife of Armin. She had with her the little Thumelicus, Armin's son, a child not yet three years old, whom she had borne in her prison. Sorrow had dimmed her beauty, but there were the same pale and noble features, the same calm bearing, the same steadfast and devoted heart, ready to dare or suffer. It was a sight which excited mingled pity and admiration among the Romans; even the brutal populace was not unmoved. Segestes himself was spared the humiliation of walking in the procession; as a friend of Rome, he was placed in a balcony, in a seat of honour from which, mounted on high, and surrounded by Roman nobility, he looked down upon the degradation of his children. What must have been the feelings of the miserable man when the reproachful eye of Thusnelda met his, as she passed by the balcony in which he was seated? And was this the end of all his sacrifices and labours, this the reward of his devotion to Rome, and his treachery to his native land? The Romans around him regarded him with contempt or pity; his children were the sport of a licentious rabble, a spectacle for a Roman holiday; while, in his own land, his name had become a curse, his house a desolation. Never again were the green banks of the Weser destined to gladden his weary eye; no *Dædsisa* must celebrate his funeral; no flowers of his fatherland must bloom on the old man's mound. (Strab., lib. vii.; Tac. Ann., ii. 41.)

The shouts of the innumerable multitude followed the chariot of Germanicus, as it clomb slowly the Capitoline Hill, drowning the groans of the wretches who, in accordance with Roman superstition, were led aside into the neighbouring prison to be slaughtered, ere the Emperor could present his offering to Jupiter Capitolinus. No cloud, no apprehension, appeared to dim the universal joy; but there were some who, while they gazed on the glorious pageant, reflected that there was a fatality in the favour of the Roman people; they called to mind how ominous it had proved to his father Drusus, and to his kinsman, the young Marcellus (Tac.

Ann., ii. 41); nor were they without secret forebodings that a scene of similar brevity might also be the destiny of Germanicus. And soon were their melancholy prognostications verified; in no long interval the chief personages of the triumph slept the same unbroken sleep, and victor and victim, Germanicus and Thusnelda, were insensible to pride and suffering. There is something inexpressibly touching in the lot of these two young persons, thus brought together by inauspicious stars, and both cut off in the spring and bloom of life. The glory of Germanicus and the sorrows of Thusnelda were mysteriously interwoven; it was by him that she had been bereft of home, friends, husband, hope; he had been the evil genius of her life; but here the spell was dissolved, here they separated—he bound to Syria, she to Ravenna; both to an early grave. Only three years, and Agrippina bore through the streets of Rome, in a little urn, all that was left of Germanicus (Tac. Ann., ii. 8); there were the same crowds, and even greater honours; consuls, senate, populace, the veteran companions of the departed, were all present; but the triumph was changed into universal mourning; one breast only harboured a joy which was scarcely dissembled. (Tac. Ann., iii. 2.) Thusnelda was carried, with her child, after the painful and humiliating pomp was over, to Ravenna, the grave of so many fallen princes, and there vanishes from men's eyes for ever. The precise period of her death is unknown; but, as she appears not again in history, the term of her sufferings was probably at no great distance. There is no reason for supposing that her end was hastened by personal ill-treatment; but it may be imagined that existence in a foreign land would be insupportable to the young barbarian; for the fire of life is soon extinguished when the hope which should nourish it is no more. While she was detained upon the borders of the Rhine, there would, at least, appear a probability of deliverance; she breathed, too, there the air of her native country, the air which Armin breathed; but, in the hot and pestilent swamps of Ravenna, all was over; for Alps rose, and realms spread between her husband and herself; and she could not but be sensible that, in this life, their parting had been final. Yet, even at Ravenna, cut off from all human sympathy, the same truth, the same determination to be worthy of his name, the faith in a happier meeting before All-father's throne, would continue to support her. There was no friendly eye to cheer her in her solitude; but, even there, she would not be utterly forlorn. How often, ere she sank to rest, would she wander, in spirit, to the green dells of the Teutoberger-wald; hear in dreams the fresh, cool wind, as it rustled among its beeches; the bubbling of its hundred rills; the wild bees in the linden flowers?

In the Loggia de Lanzi at Florence is a statue of surpassing beauty, which has been supposed, upon no trivial grounds, to be the representation of Thusnelda. Originally in the collection in the Palaste Capranica at Rome, where it had been preserved from an early—from an unknown period—it found its way afterwards into the Villa Medici, whence it was brought, with others, by the Grand Duke Ferdinand to Florence. The sculptor is unknown, but the statue is evidently the work of no ordinary artist, and appears to have been executed in the brightest period of Roman art, in the time of the first emperors, exhibiting nothing of earlier rudeness, nor betraying marks of the decay in taste and execution, which may be discerned in the later works of the empire. At Florence the statue is known, popularly, as the *Dea del Silenzio*; but it has been taken also by one virtuoso for a Dacian captive, and from others it has received, upon arbitrary and trifling grounds, the various names of *Veturia*, *Lara*, *Muta*, and *Angerona*. It is, notwithstanding, neither a Grecian goddess, a Roman matron, nor a Sclavonian captive, but the representation of a German woman of consideration, probably a captive, in the costume which was prevalent in Germany in the first and second centuries. The fashion and the material of the clothing are neither Roman nor Dacian, but accord exactly with the description which Tacitus gives of the dress of German females in his day, and with the costume of the German female captives on the column of Antoninus. The long, fine-folded linen under-garment, the short linen tunic over, without sleeves, and leaving the arms bare and part of the breast exposed (*Tac. Germ.*, xvii. 18), are diametrically opposite to the fashion of the Dacian women depicted upon Trajan's column (*Fabretti de Col. Traj.*, clxv.), and take away all doubt respecting the country of the captive. The remarkable shoes, formed of thongs drawn from the sole to the instep, are peculiar to the Germans; the same being described by Sidonius, and by writers in the middle ages, as a distinctive mark of German national costume. (*Paul. Warn.*, iv. 23.) The head, unlike those of the Dacian prisoners, is uncovered; the hair—that pride and ornament of the German females, which was so eagerly coveted by Roman ladies, in order to make themselves false curls—is parted on the forehead, and falls loosely, but not disorderly, behind. The attitude of the figure is expressive of world-weariness. One foot overlays the other, and there is the consequent, almost imperceptible, sinking of the frame, rendering a slight support necessary; which is described by Winkelman as being, above all things, calculated to express the weary body and heavy soul. The left arm, brought across the body, supports the right elbow, the right arm is consequently raised, and a finger of the hand extended. The whole

figure is large and graceful; the beauty is German, not Italian, in character; the general appearance that of a young German wife; the arms are round and finely moulded; the features high and noble, calm, yet impressed with the deepest sorrow—an expression so hopeless, yet so resigned, that once beheld, it can never be forgotten. It is the look which tells the story of a life.

The attitude of the figure, the circumstances of its being larger than life, and less laboriously finished in the back than in the front, make it apparent that it was intended to occupy a niche; probably one of the niches of a triumphal arch, such as are seen in the arch raised in honour of the victory of Marius over the Teutones, one of which is filled by the statue of King Teutobochus (Montfaucon, iv. 171); and what German woman in the first years of the empire was of rank and fame sufficient to be made the subject of an incomparable artist, and to occupy the niche of a triumphal arch? Is there any except Thusnelda? Is it not likely that the wife of Arminius would find a place in the arch by the temple of Saturn, which was erected expressly to commemorate the capture of the Burg of Segestes, and the recovery of the Roman ensigns? Of all the captives taken in that fortress, Thusnelda, not from birth alone, but from her relation to the man who had wrought such scath on Rome, was by far the most illustrious, far more important than any treasure; and if it was not beneath the dignity of Roman soldiers (Tac. Ann., i. 59) to carry her from the distant Weser to Rome, that the Roman people might see, with their own eyes, the wife of their great enemy, and feast their imagination with the proudest proof of his humiliation, we may be sure that she would not be forgotten in a monument intended to perpetuate its remembrance.

Thumelicus appears on the occasion of the triumph of Germanicus for the first and last time in history. He was brought up at Ravenna (Tac. Ann., i. 58), and there are grounds for assuming that he attained man's estate, and died before he arrived at the age of thirty-one. In the year 47 A.D., the Cherusicans sent an embassy to the Emperor Claudius, the object of which was to petition that Italicus, the son of Flavius, Armin's brother, who had been educated in Italy, might be permitted to become their king, inasmuch as not a single being of the blood of their ancient Adelings remained alive in the Cheruscan land. (Tac. Ann., xi. 16.) Had Thumelicus been living at the time, it can hardly be doubted that he would have been preferred by the Cherusicans to Italicus. It may further be inferred that his death took place between the years 37 and 47 A.D.; for Tacitus, in recording the circumstances of his birth, promised to relate, in due time, the sequel of his melancholy story;

but as he returns no more to the subject, it must be concluded that the narrative was contained in one of the four books of the annals which are deficient, in which the events of the years 37—47 are comprised. But though there are extant in the ancient historians, no details respecting the life of Thumelicus, the name *Thumelicus*, which is not German, is the index of a fearful history. The Greek word *θυμέλη*, originally the altar of Dionysius in the centre of the orchestra (the orchestra was the parterre of a modern theatre), came to signify the orchestra itself; and the term *θυμελικοί*, which, in earlier days, implied the chorus, whose station was at the altar in the orchestra, and whose duty was to amuse the spectators in the intervals of the performance with song and dancing, was applied, in process of time, to every species of public performer. Indeed, the sole difference between the *θυμελικός* and *ἑυστικός*, or gymnast, in the time of Tiberius, seems to have been that the performances of the one took place under cover, in the *ἑυστός*, and those of the other in the uncovered *θυμέλη*. Thumelicus, therefore, was not a proper name, but a cognomen descriptive of the calling of a person who exhibits himself to the public, whether as a gladiator or an actor is immaterial. Thusnelda's son had, doubtless, a nomen—a proper name—which has not been preserved, to which the cognomen was appended; or, if contrary to general usage, Thumelicus was the youth's only name, it must have been given him by the Romans, out of rancour, as the deepest mark of degradation they could inflict. Another circumstance may tend to throw light upon the destiny of the unfortunate Thumelicus. At Ravenna, in the time of Strabo, and later, flourished one of the most celebrated schools of gladiators (Tac. Ann., xv. 46), in which youths were brought up, at the public expense, for the express object of furnishing a supply of gladiators for the amusement of the Roman populace. Hither were sent the children of barbarian captives, children born in certain conditions of slavery, and children exposed by their parents, in order to be educated at the state's charge in the mysteries of gladiatorial science. Coupled with this fact, the phrase "*educatus Ravenna puer*" (Tac. Ann., xi. 16; Quintel. Cont., xv.) acquires an ominous meaning; and if it be considered in connection with the name *Thumelicus*, the conclusion can scarcely be avoided, that Armin's son was brought up in the gladiatorial academy of Ravenna. Professor Götting assumes, in his interesting treatise, that Thumelicus was violently severed from his mother on the conclusion of the triumph and sent to Ravenna, while the mother was detained at Rome. There is nothing in the ancient historians to warrant such an assumption, and the barbarity of such a separation is scarcely conceivable. Up to the preceding summer, the wife and

child of Armin had suffered, as we are assured, neither injury nor insult (Tac. Ann., ii. 10); and nothing could have occurred in the interval in their relation to the Roman government to warrant a harsher usage. Such a change from gentle to merciless treatment has no apparent motive; it would be, moreover, a violation of the solemn assurance of Germanicus, by which the safety of the whole family of Segestes was guaranteed (Tac. Ann., i. 58), a violation of the hospitality ever conceded by the Romans to unfortunate princes, of which there is no example upon record, nor is there anything in the character of Germanicus which can authorise us to believe him capable of so great a baseness. It is, therefore, far more probable, far more in accordance with Roman precedents in such cases, that Thumelicus and his mother were sent to Ravenna, as a place of convenient, yet not insecure, imprisonment, as Bato and other princes had been before, and as Marbod was at no great interval afterwards; and that it was only after the early death of the mother, that the more unrestrained ferocity of Tiberius gave over the child to the *doctores* of the gladiatorial school. Whatever were the circumstances of his initiation into the miserable calling—whatever the circumstances attending his early end, whether he was butchered in the public amphitheatre, like thousands of other youthful barbarians, or whether a fate, if possible, still more deplorable awaited him, there can be no doubt that he was exposed to the extremes of contumely and humiliation. The words of the historian admit of no other interpretation; there is no imaginable mockery, or misery, to which they would not apply. "*Quo ludibrio*," says Tacitus, and no translation can render the force of the expression—"*Quo mox ludibrio conflictatus sit, in tempore memorabo*." (Tac. Ann., i. 58.)

CHAPTER XI.

Marbod at Ravenna.

He must be a bold man who would venture to undertake a defence of the character of Tiberius Cæsar. The chuckling dissimulation, the habitual, sometimes almost jovial cruelty, the intense and grovelling selfishness, excluding the claims of natural affection, the insensibility to human sympathy, the callousness to human suffering, which marked his long and evil life, stand for eternity depicted, by a master-hand in faithful and imperishable colours. Loving no one, hating not only all which he feared, but all which other men love, Tiberius walked alone through life (Suet. in Tiber., lxii.); yet, if it were possible to consider his treatment of Germanicus apart from the suspicions inspired by his character, if acts alone could be dispassionately regarded, we should detect, up to the period of the Roman Triumph, little to censure, perhaps even something to commend. A friend of Tiberius might allege that, notwithstanding his fixed, and often declared opinion respecting the public policy of Rome with relation to the Germans, he had given way, with parental weakness, to his nephew's warlike ambition; that, during the continuance of the war, he had given him an honest and efficient support—placing the whole resources of the empire at his disposal; that it was only after the losses of the last campaign that he had decidedly interfered to put an end to the career of costly and unprofitable glory; that even the censures, which the imprudence of Germanicus made unavoidable, were couched in mild and paternal language; and that, when he was at last recalled from the theatre of his fame, no honour was denied, no praise withheld, no attempt was made to cloud his glory, or to undermine his popularity. Such a vindication is rendered nugatory

by the simple reflection that the subject of it is Tiberius. Nor can it be disputed that the assumed forbearance towards Germanicus was not inconsistent with the "*Odia in longum jaciens*." While Germanicus was on the Rhine, surrounded by devoted legions, or at Rome, followed by the prayers and good wishes of a whole people, he was too formidable to permit any open demonstrations of distrust or aversion; but his speedy death, in Syria, is a fatal proof that the man whom Tiberius had once feared was never forgotten. (Tac. Ann., lib. ii.)

Tiberius had been taught, however, a lesson, by his apprehensions of Germanicus. He felt that a popular commander, at the head of eight legions and innumerable bands of allies, must, of necessity, be formidable in a distant province; and he resolved never again to confide the supreme command to the hands of a single person. Instead of a general governor, with pro-consular power, he appointed, in each of the two provinces of Germany, a prefect; who, within the limits of his command, should be independent of other authority, and depend immediately upon himself. The change of system naturally put an end to schemes of conquest beyond the Rhine; and the pacific, or rather the doubtful policy of Tiberius, with relation to the Germans, resumed its former influence. No peace was made, no negotiation entered into; but there was no further aggression upon the German boundaries; and the soldiers, withdrawn into the limits formerly marked by Tiberius, occupied themselves in repairing or improving the forts of the Rhine, and, perhaps, in adding to the line of defences which, in later time, extended from the Rhine to the Danube. Some of the most important fastnesses in Northern Germany appear, notwithstanding, to have been kept up and garrisoned; for, thirty years later, the Roman garrisons on the right of the Rhine were withdrawn, by an order of Claudius (Tac. Ann., xi. 19), which could not have reference to the forts within the boundaries of the Agri Decumates, if any were at that time erected, inasmuch as, three centuries later, Roman legionaries are found upon the Vallum Romanum.

The course of events in Germany, after the departure of Germanicus, soon evinced how accurately Tiberius had estimated the barbarian character. It seems as if domestic dissension were inseparable from independence and free institutions, for no sooner were the Germans released, by the departure of the Romans, from their apprehensions of a foreign yoke, than the quarrels and animosities, which had been smouldering during the war, broke out into an open flame. (Tac. Ann., ii. 44.) A year had scarcely elapsed before Armin and Marbod commenced a war, the immediate

cause of which—whether Marbod was incited by the Romans to an aggression on the northern confederacy or its allies, or whether Armin, now that the withdrawal of the Romans left him at liberty, resolved to punish the southern potentate for his neglect of their common country in the day of its necessity—must remain in uncertainty, though there is reason to suspect that the intrigues of Tiberius were not unconnected with the movement. Shortly after the departure of Germanicus to the east, Tiberius had dispatched his only son, Drusus, into Illyria, professedly with the view of weaning him—by a soldier's life, and by the cares of public business—from the temptations and dissipations of Rome; and the agitation among the Germans, particularly succour being required by the Marcomanni, supplied a convenient pretext for the young man's mission; for Marbod appears to have relied, with blind and inexplicable confidence, upon Rome; and it was the aim, and probably the pride of Tiberius to deceive him. It was not that Tiberius affected Armin, or took any interest in the grounds of the dispute, but that, above all things, he dreaded Marbod, whose destruction he had, years before, resolved upon; though, so long as the enterprises of Germanicus continued, nothing was suffered to escape which might excite suspicions of his secret hostility. It was in this spirit that Drusus, a loose young man, who inherited of his father nothing but his falsehood, was sent to the Danube, bearing with him, according to the testimony of one historian, a commission to foment the dissensions of the Germans; while, by another writer, he is praised for the adroitness with which he executed his task. (*Tac. Ann.*, ii. 62; *Paterc.* ii. 129, 3.) Drusus found, on reaching the Roman frontier, that the whole of Germany, with the exception of the distant portion, whose remoteness kept her inhabitants out of the reach of the Roman world, was divided into two great parties, at the head of one of which stood Armin, and of the other, Marbod. Both of these confederacies had taken their origin from the same cause—a dread of the power of Rome; but they had grown up under very different principles and circumstances. The kingdom of the Suevi was a military monarchy, of which the various discordant parts were held together by the genius and might of a single man; the Semnones, the Lombards, and the Suevic nations, which had been subdued by the Marcomanni, appearing to have lost even their old domestic liberty, and fallen into a state of dependence, which to them was naturally odious. As far as our researches can penetrate, no trace of national meetings, or of time-honoured free institutions, is to be found in Marbod's kingdom; but every act of counsel and authority proceeded from the arbitrary power of the autocrat. The northern, or, as it was called in later

times, the Saxon confederacy, was a real federative union of free states, over which Armin, though elected the head on the day after the Teutoberger slaughter, exercised no arbitrary authority. He might summon assemblies of the confederates in peculiar emergencies, and his was the command in military enterprises; but beyond this limited, legitimate delegation, his authority was rather an influence than a power. Every state continued under its own government, every individual Wehrman enjoyed his customary share in the domestic administration, the Mark and Gau-Things went on as usual, untouched by the terms of the union. Thus it happened that Armin was the representative and personification of free principles in Germany, while Marbod was the type of arbitrary power. The name of Marbod was, consequently, hateful to the free nations of Germany; and, above all, to those which had lost their freedom, and were compelled to serve under the Marcomannic standard. Armin, on the contrary, was regarded as the champion of liberty; and possessed the popular affection, even in the dominions of his rival. (Tac. Ann., ii. 44.)

At the period of the defeat of Varus, the kingdom of the Marcomanni was by far the most powerful state of barbarian Europe; and we know that, once at least, probably oftener, Armin turned to Marbod for support against Rome. To establish a nationality—an union of the nations speaking the German tongue—has been, in all ages, a cherished dream of the patriots of Germany; but, if national union has been found impossible in times when a general equality of condition—the equality of servitude—interposed no difficulty, there was, in the days of Arminius and Marbod, the inherent opposition between free institutions and despotism to be reconciled. No cordial alliance between states, founded on such discordant principles, was practicable; there could be no natural affinity of principle or object between the monarch and the champion of popular rights; nor is it wonderful that Marbod, from an instinctive dread of popular contagion, should prefer the more congenial friendship of Rome to visionary schemes of German independence. At the same time, he kept himself aloof from any participation in the war; gave no assistance to either party; and, perhaps, was not displeased to see them wasting their strength in a contest, which left him at liberty to pursue his particular schemes of aggrandisement. But, by the Cherusicans, Marbod was neither forgotten nor forgiven. Proud of his power, and confident in the friendship of Tiberius, he was, in his own eyes, the arbiter of Germany; while, by the German people, the satellite of Rome, the enslaver of German nations, was naturally regarded as an alien and an enemy. Such hostile feelings rendered dis-

putes, after the withdrawal of the Romans, unavoidable; nor was it long before war broke out between the Marcomanni and the Cherusicans.

It was in the year 17 A.D. that Armin, with the Cherusicans, and other members of the German confederacy, took up arms against Marbod; and, no sooner were they in the field, than they were joined by the Lombards and the Semnones, peoples whose seat was on the borders of the Elbe, who joyfully availed themselves of the long wished for opportunity of shaking off the yoke of Marbod. The defection of two peoples, who are reckoned by the Roman writers among the most considerable of the Suevic nations, would have given an overwhelming preponderance to the allies, had it not been, to some extent, counterbalanced by the desertion of Inguiomar, Armin's uncle, who abandoned his countrymen and the common cause in this dispute, and joined himself to the Suevic standard. No reason is alleged for the desertion, except personal discontent. The old man, says Tacitus, thought it an indignity to be commanded by his brother's son. This jealousy must, therefore, have been of recent date, though it was the accident of the Suevic war, the contiguity of Inguiomar's Gau to the dominions of Marbod, and the consequent vicinity of so powerful an ally, that led to its first display in actual hostility. The revolt of Inguiomar, if the term can be applied to a connection in which no part of allegiance exists, is the first indication of that combination of Adelings against Armin, which brought on civil war, and led to the eventual downfall of the Cheruscan nation; but, in itself, it was far from compensating the Suevic king for the defection of the Lombards and Semnones. The singular interchange of force which had taken place in the ranks of the belligerents was not only greatly against Marbod in numbers, but also in moral influence; for other tribes would begin to think of regaining the independence they had been deprived of, and tend to shake the confidence of Marbod in their fidelity and in his own strength. These various circumstances and accidents engendered, moreover, a spirit of bitterness between the contending parties, which had been rarely seen in German warfare; and the war was also of a character which had hitherto been unusual among barbarians. (Tac. Ann., ii. 45.) It was no longer a foray, conducted by individual independent chiefs, almost without concert, with no other view than the distinction to be gained by valour; or the booty which might be surprised and carried off; but it was based upon general principles, and was carried on according to the rules of discipline in civilized nations. Marbod's troops were armed and trained after the Roman fashion; nor could the thirty years' contest with Rome have been maintained by the northern Germans without

the acquisition of some of the benefits of order and combination. (Tac. Ann., ii. 45.)

The actual theatre of the collision of the two armies is not noted by the historian; but, from the circumstances of the relation, it may be gathered that Armin marched with the allies into the territory of the Hermanduri, one of the nations composing the Suevic kingdom, whose seat was between the Saal and the Elbe, with the view of seeking out Marbod, who appears to have been encamped with his army in advance of the Erzgebirge, by which Bohemia is divided from Saxony. Armin crossed the Saal, and penetrated into Misnia; and it is probable that the two armies came into the presence of each other in the vicinity of Zwickau and Chemnitz. Each leader addressed his troops, as was customary on the eve of a great battle (it was at that time the only means of issuing an order of the day), not without the amount of self-laudation, and of depreciation of the adversary, which were at that period essential ingredients in military eloquence. Armin, surveying the Wehrmen from his horse, as he rode before the line, pointed to the Roman armour, which many of them wore, and reminded them of the glorious day when those arms were won, when the flower of the Roman legions was laid low, and the freedom of their fatherland was regained. He appealed to them against the slippery Marbod, a man who, without a battle, had hid himself in the depths of the Hercynian forest; and, deeming himself unsafe even there, had sued, with prayers and presents, for the boon of peace from the Romans. A traitor to his country, said Armin, a slave of the Roman Cæsar; you will drive him out of the German land with the same unrelenting spirit with which you brought down Quintilius Varus. Think of the battles you have won, think of the mightiness of the foe you have driven out of Germany, and you can have no doubt of victory now. Marbod, on his side, was equally lavish of his boasting and his reproaches. Holding Inguiomar by the hand, and describing him as the first of the Cherusicans, as the man to whose wise counsels all their prosperity was owing; he characterised Armin as a rash and frantic young man, altogether unfit for government, who arrogated all glory, all authority, to himself, because he had by treachery inveigled three incomplete legions, and their credulous commander, to their ruin; a deed which is rather an infamy than an honour, and which has been the misfortune and the ruin of Germany. Even yet his wife and child are languishing in Roman captivity. But I, continued Marbod, have upheld and maintained the glory and independence of Germany; and Tiberius himself preferred a just and equitable peace with me to the uncertainties of war and victory. It required not, in order to stimulate the contending armies, the

aid of military orations, the themes of which have, perhaps, after all, their only foundation in the imagination of the historian. Each party had specific cause to render the shock of battle decisive. The Cherusicans fought to maintain their ancient renown and influence. To the Lombards and Semnones, who had revolted from Marbod, victory was a matter of existence; while, with Marbod, the question was whether he should vindicate the widest boundaries of his kingdom, or retire into Bohemia with curtailed limits and tarnished reputation. The battle was hard and bloody, but not decisive; for when night parted the combatants, the right wing of each army had given way. Armin prepared to renew the struggle with the first beams of the morning; but, during the darkness, Marbod had retired a little to the rear, and pitched his camp upon the hills, near the present towns of Marienberg and Annaberg. The retreat, trifling as it was, was the admission of a defeat, and it dissolved the whole magic of Marbod's power. The nations which had been compelled to fight under the Marcomannic standard, those who had voluntarily followed his star so long as they believed it all-potent, melted away; the Cheruscan deserters one by one fell from him, and he was compelled to fly into Bohemia, and take refuge among his native subjects, the Marcomen. There he was secure from any external enemy; for the mountain passes into the Bohemian valley were too easily guarded to permit the possibility of invasion; and Armin, sensible of the hopelessness of pursuit, retired into his own country. (Tac. Ann., ii. 45, 46; Cluver. Germ. Ant., iii. 109.)

Marbod, however, had lost too much, both of dominion and reputation, to remain contented with Bohemia, and, confident in the friendship of the Romans, he despatched from Marabodum, his capital, where now stands, it is supposed, the curious and magnificent city of Prague, (Cluver. Germ. Ant., iii. 117) an embassy to Tiberius Cæsar to solicit his assistance against the Cherusicans. To this demand Tiberius replied with civil, but ominous, coldness, "that Marbod had given to the Romans no support in their wars with the Cherusci, how then could he expect assistance from Rome when combatting the same enemy?" The fate of Marbod was now decided. Tiberius considered him as the only German who was formidable to the Roman commonwealth, and Drusus was on the Danube prosecuting his intrigues, with instructions to avail himself of any circumstances which might serve to precipitate his fate. (Tac. Ann., ii. 62.) Nearly two years elapsed after the departure of the Cherusicans, during which Marbod's relations with Rome continued in the same state of uncertainty, without any attempt, on his part, to restore his former ascendancy over the Suevic tribes, and it is probable that he might have reigned to the end of his

days over the narrower limits of Bohemia, had not an event, apparently the work of a conspiracy, occurred, which threw him altogether into the hands of the Romans. Among the Suevic Adelings, who had been deposed and driven away by the conquests of Marbod, was a certain Catualda, whose nation is uncertain, but who, since his expulsion, had been dwelling among the Gothones, on the borders of the Vistula, constantly watching for the opportunity of revenging himself upon Marbod, and affecting his restoration to his native country. A conspiracy among the Marcomanni, some of whom were possibly weary of an arbitrary government, others, bought by the intrigues of the Romans, favoured the designs of Catualda; one of the passes was betrayed, and Catualda broke, with a strong band of followers, into Bohemia, where, joined by the confederates, he mastered the royal residence, and possessed himself of the treasures which a long course of years had deposited in the Suevic capital. Whether it were the surprise, or that the people were discontented with a tyranny which no longer promised spoil and glory, Marbod was abandoned by the greater part of the Marcomanni, and, having no resource but the compassion of the Cæsar, retired, with the troops which remained faithful to him, towards the Roman frontier. Arrived on the Danube, he entered into communication with Drusus, from whom, with the infatuation of a sinking man, he still hoped to obtain assistance to re-instate him in his kingdom. In order to induce him to pass the river, Drusus held out expectations which were intended only for the ear, and Marbod carried his soldiers across the Danube, where they were immediately disarmed. We are not informed what were the arguments used by Drusus to induce Marbod to take this fatal step; what the *salubria mendicamenta* with which the young intriguer deluded the experienced politician; Paternus only lauds the skill with which the youthful angler had hooked the monster, and brought him, *velut serpentem abstrusum terræ*, (Paterc. ii. 129, 3) into the power of the Romans. It may be assumed, however, that nothing less than the direct promise of support could have imposed upon Marbod, (Suet. in Tiber., xxxvii.) who, once in Nericum, found, as might be expected, little haste on the part of the Romans to fulfil their engagements, and he then wrote to Tiberius, not in the tone of a fugitive or suppliant, but as a king in the possession of power, reminding how long and how constantly he had cultivated the friendship of Rome in preference to that of all other peoples. Tiberius was too well acquainted with the situation of affairs to be imposed upon by Marbod's regal style, and replied with cutting irony, "that if he pleased to remain in the Roman states, he might rely upon a secure and honourable retreat in Italy; or if he considered such an abode to be disadvantageous to-

his interests, he was at liberty to depart, as he came, into his own country." In the apparent candour and malicious duplicity of this epistle we recognise the very spirit of Tiberius. (Tac. Ann., ii. 68.) At the moment he seemed to leave to Marbod the choice of his destiny, he knew that choice was impossible—knew that the instant the troops of Marbod crossed the river they had been disarmed and separated—that there was no return, that Marbod was alone and friendless, dependent on the Romans for the very bread whereon to support life; and Marbod himself speedily found that his only resource was to accept the proffered hospitality of Tiberius, and was conducted, another victim, to Ravenna. (Tac. Ann., ii. 68; Paterc. ii. 129.)

The kingdom of the Marcomanni, which Marbod had raised with so much craft and patience, was broken into pieces by his fall, and the various nations of which it was composed regained their independence, though his posterity, or kindred, appear to have retained, for some generations, the supreme power in the more limited bounds of Bohemia. (Tac. Germ., xlii.) It might afford some satisfaction to the exiled sovereign to see his footsteps almost immediately followed by his rival Catualda, who was driven, after a short interval, out of Bohemia by the Hermanduri, under their Adeling, Vibilius, and compelled to seek refuge among the Romans on the Danube, as Marbod had done before him. He also brought with him into the Roman territory, a numerous body of adherents, who, like Marbod's, were straightway disarmed by the Romans. None of these unfortunate followers of Marbod and Catualda ever saw their own country again, but bitter foes as they had been, they were now compelled to digest their antipathies, for they were re-transported by the Romans across the Danube, and carried into the low country, lying on the left bank of the river between the March and the Chus, where they were settled as a colony, and a king, or chief, called Vannius, by nation a Quadus, was set over them. (Tac. Ann., ii. 68; Germ. Ant., iii. 121.) Marbod and Catualda had abundant leisure to muse over the vicissitudes of human affairs, of which they themselves were living, and not un instructive examples. The latter was sent into an honourable captivity at Forum Julii, now Frejus, in the province of Narbonne, where, if he could dismiss from his mind the memory of his birth and his ambition, he might pass a peaceful, perhaps a happier life. Marbod, though his name was sometimes used as a bugbear by the Roman government, wherewith to work upon the apprehensions of his ancient subjects, grew old in the solitude of Ravenna, where he passed eighteen years, apparently unregretted in the land of his former glory, and despised by the Romans for clinging to life, when all which had given life lustre had departed. (Tac. Ann., ii. 63.)

CHAPTER XII.

The Death of Arminius.

"I FIND," says Tacitus, in the concluding chapter of the second book of the Annals, in which he notices the death and character of Armin—"I find, from the writers and senators of those times, that letters of a certain Adgandestrius, a prince of the Chatti, were read in the senate, in which the writer promised to undertake the death of Arminius, provided a poison, suitable for that purpose, were sent to him from Rome. To this it was replied that the Roman people were accustomed to avenge themselves openly, by arms, not by treachery or secret means; and, by this answer, Tiberius emulated the ancient Imperators, who forbade the poisoning of King Pyrrhus, and denounced the poisoner. As for the rest, the Romans having departed out of Germany, and Marbod being driven from his kingdom, Arminius aimed at monarchy, and lost the popular favour. Having taken up arms, he carried on a domestic war with various fortune, and fell, at last, by the treachery of his own relations, in the thirty-seventh year of his age, and the twelfth of his power." (Ann., ii. 88.) In these few sentences is contained all which history has preserved respecting the close of Armin's brief and glorious career. Other historians are silent with regard to events in which Rome had ceased to be interested; and, indeed, it was to be expected that, after the departure of the Romans from Germany, the internal affairs of that country would excite less curiosity in the public mind, and information respecting them would become more scanty and less trustworthy, more dependent upon popular rumour. Tacitus appears to be perfectly aware of the meagreness and unsatisfactory nature of his sources; for he refers to this part of German history with evident hesitation, complaining, moreover, that of the two peoples who were acquainted with written

history, the Greeks, with characteristic vanity, admired only Grecian heroes; while the Romans, dazzled by the glories of past times, were careless about the events of the day. Dissatisfied as the historian might be with authorities, from which he could only extract the general facts that Armin endeavoured to make himself king, became odious to the people, and was murdered by his own kinsmen; the why, the where, the how, all circumstances and all particulars of time, cause, and place, left in obscurity, his relation, brief as it is, may, perhaps, when more minutely examined, be made to yield some important evidences respecting the connection of Rome with Germany, and the nature of the dissensions which brought on the death of Arminius. The particular points which require examination are the statements that a German Adeling promised to Tiberius to remove Armin by poison, provided the means were sent to him from Rome; and, secondly, that Armin endeavoured to establish a despotism, and thereby forfeited the favour of the people.

It is a proud testimony to the integrity of the German character that, while the mystery of poisons was openly professed at Rome, and the art of murder, by their agency, was a public profession, no such thing as a poison was to be found, at that period, in Germany. Such being the fact, the question suggests itself, how it happened that an uncultivated German Adeling should think of sending to Rome for a means of murder which had never been known in his country, and which it required skill, experience, and opportunity to administer, not to be thought of from his position and education. There seems an impossibility in an obscure Adeling sending publicly to the lord of the world for poison to take off an adversary, unless there were some previously established medium of intercourse; and, it may be remarked, that the word used by the historian—*promittebat* (Tac. Ann., ii. 88), not *proponerebat*—has the appearance of referring to something antecedent. Who wrote the letter which Tacitus tells us was read in the senate? That Adgandestrius, or any other German of that age, could write is altogether beyond possibility. In what language was it written? The German tongue was, at that time, an unwritten one; and, if written, it could not be understood in the senate; the letter, therefore, must have been written in the Latin language. These considerations lead to the conclusion that the writer of the letter of Adgandestrius was a Roman; that it was a Roman, a man in whose mind the idea of poison would naturally be uppermost, who suggested to the ignorant German the application to Tiberius, and carried it out in his name, and under his authority; nor can we question that, had the proposition fallen in with the views of the Roman Emperor, he

would have been at no loss for the means of carrying it into effect. If these facts are coupled with the assertion of Tacitus, that *discordias incitare* was a systematic part of the policy of Tiberius, it can scarcely be doubted that this Roman was an emissary whose business it was to foment the troubles of Germany; and is no unwarrantable presumption that such emissaries were to be found at the court of every little Adeling, who was open to the money and suggestions of Rome. The hand of Tiberius is plainly legible, though circumstances and particulars must remain for ever unknown. Neither is the farce of sending the letter for public reading in the senate, whereby, as Tacitus bitterly remarks, Tiberius thought to rival old Fabricius, incompatible with the supposition that it was written by his own agent. It gained him glory at little cost; for it is apparent to the indifferent judgment of modern times, though the mystery might be unknown to the too zealous emissary, that the death of Arminius was neither the aim, nor was it the intent of Tiberius, whose policy was to find occupation for the German nations by inciting one against the other, and who was well aware that, in the life of the Cheruscan Thiuda, he had a never-failing instrument for exciting discord, and keep alive the jealousies of the Adelings of Northern Germany.

The report that Armin attempted to found a monarchy is not without some shew of truth, in so far as he continued to hold a dignity which shaded, if it did not supersede, the ordinary authorities of the Cherusicans. That he aimed at the establishment of a monarchy in the Roman sense, substituting arbitrary will for the aristo-democratical institutions of the Germans, may be disproved by a variety of circumstances. In order clearly to comprehend the position of affairs in the Cheruscan country, it will be well to recall to mind the political constitution of that period; the division of the land into Gaus, independent of each other, each under the presidency of a chief; the Princeps of Tacitus; the Fürst, or Adeling, of the Germans; hereditary as to family, elective as to person, who enjoyed a very limited authority, administrative as well as legislative power being vested in the Mallus, or Gau-thing; and that it was customary to elect a Dux, or Thiuda, of the whole nation, or confederate nations, only when war, or some particular emergency, called for the exertion and union of the whole national power. We are destitute of information respecting the precise nature and limits of this functionary's legal power; and we know that, at the time of the general emigration, the greater number of these Thiudau became the founders of hereditary, though limited, monarchies; but the office would seem, from its very nature, like that of the Roman dictator, necessarily to cease, in those early times, with the occasion

which had called it forth; and, if retained beyond that period, even if it were held by the consent and authority of the Wehrmen in the Mallus, it would be an innovation upon ancient usage; and it would naturally be regarded by the Adelings, with whose rights it interfered, as an usurpation, and illegal. We are told by Tacitus that Armin held the supreme authority during the period of twelve years; there are passages which shew that it was not limited to the boundaries of the Cheruscan land (Ann., ii. 45), and the anecdote of Adgandestrius evinces that there were other Adelings, besides the Cheruscan, who desired to free themselves from the yoke of Armin's superiority. If his power was maintained, like Marbod's, by means of a standing military force, in defiance of the popular assemblies of the country, it was unquestionably a tyranny; if it was founded on popular election, leaving untouched the Gauthings and the right of self-government, inherent in the German constitution, the Adelings, whose hereditary rights it injured, might, with some justice, exclaim against monarchy; but, with regard to the state, it could not be termed a monarchy. This kind of presidency—a Thiudanship—retained, perhaps, longer than circumstances absolutely required, appears to have been the authority enjoyed by Armin. He is never called a king, as Marbod was; there is not the slightest trace of a standing army or a court to be found, as in the Marcomannic kingdom; but Armin appears uniformly as the asserter of popular rights, and, on every occasion, identified with the people. His enemies were not the people, but the Adelings; it was with them that he had to contend, by them that he was thwarted, by them that he was betrayed. It was an Adeling who revealed the confederacy for the liberation of Germany to Varus; it was an Adeling who refused to aid in the deliverance of his country; it was an Adeling who betrayed the place where the captured eagle was concealed; it was an Adeling who, in violation of the ties of blood and country, joined a tyrant against him; it was an Adeling who offered to poison him: they were Adelings by whom he was finally murdered.

When the Cherusicans, who had followed Inguiomar, fell off from Marbod, after his defeat by Armin, it appears, from the expression, *transfugis paullatim nudatus* (Tac. Ann., ii. 46), that they did not go over in a body to their countrymen, but stole away by degrees; there was, therefore, no general reconciliation among the Cherusicans, but Inguiomar returned into his own land, disappointed and discontented, still continuing in a state of hostility with his nephew. It is from this date that the commencement of the civil war, which Tacitus tells us was carried on with various success, must be reckoned, and which, as it was carried on up to

the period of Armin's death, must have had a four years' duration. It cannot be supposed that the strength of Inguiomar was sufficient to enable him to stand alone in such a contest; he must have had the support of other princes, without which it is impossible he could even have maintained himself in the Cheruscan land; and the story of Adgandestrius is a presumption that many other Adelings were in alliance against Armin. A cry of monarchy would naturally be raised by such an alliance, in order to enlist the Wehrmen in their party. Had they succeeded in exciting the popular jealousy with regard to Armin and his designs, it would have been in vain for him to contend against the united power of princes and people. But he maintained the contest for four years; and we are told by Tacitus—and the means which his enemies had at last recourse to, in order to destroy him—assure us that he was never conquered. The conclusion is unavoidable that he was supported to the end of his course by the popular favour. It was a contest of Armin and the people against the Adelings and their dependants. A people long inured to personal independence is usually sufficiently jealous respecting innovations upon their liberties; and, rooted as the principle of self-government was in the habits and very nature of the German Wehrmen, nothing but a danger threatening the national existence could reconcile them to arbitrary government; such was the necessity which gave rise to the Marcomannic kingdom; but the Cherusicans and their allies had no external danger to fear; the dread of Rome had passed away; and, had Armin attempted the establishment of a monarchy among them, the experiment must have led to his speedy overthrow. But he was not overthrown; he was murdered by his own kinsmen.

Two further circumstances are recorded by Tacitus, which are decisive refutations of the report of Armin's monarchic ambition, and of his disfavour with the people. When the Cherusicans, five and twenty years later, sent an embassy to Rome to obtain from Claudius the son of Flavius, to be their sovereign (*Tac. Ann.*, xi. 16), the ground of their application was, that the youth was of the blood of Armin; even a stranger and an exile was acceptable, because he was of the same blood. None of the race of Armin survived in Germany; not one of the Adelings who had conspired against him was alive—not one of their descendants; not a single being who could boast his kindred was living in the Cheruscan land, all had been swept away. There was, naturally, a reason for this fearful havoc. It could not be that they died, because they were kindred of a tyrant, for they were not the friends, but the enemies and murderers of Armin, nor would the Cherusicans have reverted to his blood, had the race been swept away in consequence

of Armin's delinquencies. If they fell not because they were Armin's kindred and friends, can we resist the conclusion that they fell because they had been Armin's foes and assassins, that they were victims to popular revenge, sacrificed to the memory of a man who was embalmed in the affections of the people? The second circumstance, mentioned by Tacitus, is a still more indisputable proof of the veneration in which the memory of Armin was long held in his own land: "Even yet," says the historian, "he is celebrated in the songs of the barbarians." (Tac. Ann., ii. 88.) Would a tyrant, one who had become justly odious to the people, have been so celebrated? Is it within the bounds of possibility, that the man who had attempted to establish a monarchy upon the ruins of popular rights would be so thankfully remembered by the Cheruscan and neighbouring nations, and sung at every feast as the boast and blessing of his country? Can we believe that divine honours would be paid to such a man, that his name would become a household word for men to invoke and swear by—a comparison for whatever there is in life of great or noble—that a pillar, or statue, would be reared to his honour, which, after the lapse of seven hundred years, was still a shrine in the Cheruscan land? Honours such as these are little consistent with the memory of a tyrant, and they show us that the monarchy which Tacitus, upon vague or partial report, ascribes to him, was not, like Charlemagne's, over the institutions of his country, her free laws, Mark-things, and Gau-things, but over the little men, who for their own and their country's ruin, had the misfortune to be born of Adeling blood. Rivals without being equals, it was too natural that they should ill endure his superiority; too natural that they should seek, by any means, to bring down all that was above them to the princely level. Armin, indeed, had raised himself too high for the circumstances of his age and country, he could not again return to the Adeling fraternity, his fame was too great for such a fellowship; for even if he had laid down the authority with which he was invested, he could not divest himself of the love of the people, and of the lustre of his name. He fell in the thirty-seventh year of his age, and the twelfth of his power; supposing his authority in the confederacy to have commenced in the year of the Tentoberger slaughter, his death would fall in the year of our Lord twenty-one.

The space which Armin occupies in history is a brief one, but of him, as of the northern Baldr, nothing but good is spoken. He appears to us like a shooting star in the distant firmament, suddenly starting into life, and suddenly extinguished, but the whole of his short course glitters with light and glory. "He was unquestionably," says Tacitus, "the deliverer of Germany. He measured

himself with the might of Rome, not like other captains in the period of its infant weakness, but in the pride of its power; and though not always victorius, yet he was never conquered.* Perhaps his early death is scarcely to be lamented. He died in the bloom of life, in the fullness of his strength, in the meridian of his fame, ere stain, disgrace, or weakness had flecked his glory, with the consciousness of his benefits attending him. His work was done; his country was delivered; its freedom from foreign thralldom was for ever established. Why should he live longer? The ties of domestic love—all which makes home happy, and old age enviable—had in his house long been broken. There was nothing to bind him to life.

Seven hundred and fifty one years after the death of Arminius, in the year of our Lord Jesus Christ, 722, Karl, King of the Franks, on whom had devolved, in consequence of the death of his brother, Karlmann, in the preceding year, an undivided kingdom which extended from Friesland to the Pyrenees, and from the Thuringerwald to the western ocean, held his Mayfield at Worms on the Rhine, and there, in conjunction with his peers and prelates, determined upon a new invasion of the Pagan Saxons. The Saxons, properly so called, had originally been seated about the mouth of the Elbe, where Tacitus has placed the Fosi, but so early as the sixth century we find Saxons in the land of the Cherusicans, and it is probable that the latter people were merged with others in the general appellation of Saxons; for the term "Saxon" had become, like Frank, a collective one, and denoted an union of Saxons, Angli, Chauci, and other nations settled about the Weser and lower Elbe. The Saxons, unmentioned by Tacitus, are spoken of by Ptolomæus in the second century, and are probably the same people as the Fosi, the early friends and allies of the Cherusicans, they appear in the sixth century as the adversaries of the Franks, and in the time of Karl, the Saxon confederacy embraced the whole of the north of Germany, while the Frank empire spread towards the south, including all betwixt the Diemel and the Alps. The Saxon union continued in the enjoyment of its ancient freedom, and was yet in the darkness of heathenism, the Franks had long been subjected to a limited monarchic power, and were also submissive vassals of the Romish Church. Hence, for two centuries there had been almost incessant war between the two great confederates, and, in the time of Karl, the conquest of the Saxons was

* *Liberator haud dubie Germaniæ, et qui non primordia Populi Romani, sicut alii Reges Ducesque, sed florentissimum imperium lacerasset: præliis ambiguus, bello non victus.*

regarded as a religious duty as well as an object of temporal ambition. Karl crossed the Rhine at Mainz, proceeded through the land of the Chatti, which then began to receive the name of Hessa, to the Diemel, on the farther bank of which, perched upon a rock overhanging the river, was the strong fortress, Heersburg, or Eresburg, which served at that time as the bulwark of the Saxon territory. Having laid siege to, and obtained possession of this fortress, whether by storm or surrender is uncertain, Karl resolved upon a crusade into the unknown and hostile land; for he had learned that in the depths of Wald Osning, at no great distance from the Eresburg, was the famous Irminsül (Partz. Not. ad Erich. Annal., i. 151), an idol or pillar, in honour of some god or hero, Irmin, Armin, or Erman, which was held by the heathen Saxons in intense veneration; and he thought, by the destruction of this monument, to inflict a severe humiliation upon his adversary, and render an acceptable service to religion. A six hours' march through the forest brought the Franks to the sacred grove, within the shadow of which the Irminsül was concealed, which no axe had for centuries profaned. In the centre of a Hain of enormous oaks and beeches they found a shapeless figure of wood, black with time, which perhaps, in its original rudeness, had borne little resemblance to the human form. It was the statue which, hundreds of years before, had been raised by the German peoples to the honour of their hero, Armin; it was here, in the scene of his glory, that they assembled, on festivals, to feast and sacrifice; here that Armin was celebrated in the songs of barbarous nations.

But it had happened with Armin as with the Grecian Hercules and the Scandinavian Odin. Ideas of sanctity had been gradually engrafted upon traditions of heroism; song and fable had, in the lapse of ages, confounded the distinctions of truth and fiction, till the historical was lost in the mythological hero, and Armin was regarded as a divinity. Celestial attributes were not wanting to his glory. The Irmin-waggon was watched in the heavens by his worshippers with silent awe, as it wheeled round in its eternal course. The Irminstrasse was, in their eyes, the symbol of the brightness of his earthly path. The Saxon Recken swore by Irmin God. All historical truth was probably buried under fable by the Saxons; and by Karl and his prelates the very being of an historical Arminius appears to have been unknown. No tradition of the man, who had dealt the first blow to Roman power, survived among the descendants of the greatest sufferers from Roman tyranny, who saw in the Irminsül only a stronghold of the arch-enemy, which it was a reproach to tolerate longer on the green and innocent earth. Inspired by the spirit of religious fanaticism, the

Franks, with one mind, set themselves to work, in order to root out every trace of the abomination; nor was three days' occupation of the whole army too much for the destruction of the idol and the grove. It chanced that the year 772 was one of excessive drought; the land was everywhere burnt up; and even the three hundred springs of the water-teeming country about Paderborn were dry. But Franks of all orders, Prelates, Adelings, and Thegen, parched as they were by thirst, but making light of labour and privation, persevered, not without peril to the being of the army, in the holy duty they had undertaken. And when, after the idol was reduced to ashes, and the time-honoured grove was felled, they discovered, unexpectedly, a Borne of bright water bubbling down the hollow of the hill, they thought it a miracle, wrought by divine mercy for their solace and salvation, and knelt at the foot of the new Horeb with tears and thanksgiving. For the spring in the wilderness was not only a release from suffering and danger, but it was, in their eyes, a manifest testimony that the hand of the Lord was with them. (Monum. Paderb., ccxvi.)

Seven hundred and forty-two years later, after a night of fifteen centuries, occurred the first resurrection of historical truth, with regard to Armin and his history. During the long darkness of the feudal ages, from the time of the burning of the Irminsül to the year 1514, the name of Arminius had been buried in utter oblivion. The people of the land, whose liberties he had restored, had never heard of his existence; the everlasting hills, which had so often resounded with his praises, remembered his name no more. But, in that year, it happened that a manuscript of the first five books of Tacitus's annals—the only one which the modern world yet possesses—was discovered by Angelo Arcomboldo, in the library of the abbey of Corbei, then a princely monastery on the Weser, whence learning and civilization had been diffused in the middle ages over the north of Germany, now a pleasure-house of the family of Hessen-Rothenberg. It is a singular consideration that Germany should be indebted to a Roman for the history of her national hero, and of the struggle of the Cherusicans for German independence; but it is still more wonderful that the only existing manuscript of the Roman's work should be found in a spot so far from Rome, in the heart of the Cheruscan land. The inestimable treasure was carried to Rome, and printed there in the year following its discovery, under the auspices of Pope Leo X., to whom it had been presented by Arcomboldo. The attention of the scholars of Germany was naturally attracted by its publication, to the early history of their country; but, though not without a natural pride in the prowess of Arminius, those learned men were absorbed by

the reviving glories of classical literature; and, while they gloated over the bright visions of Greek and Roman patriotism, they were cold to the more homely pretensions of their native soil. Rome had long been regarded throughout Europe as the fountain of law, science, and letters; and in Germany the connection with Italy, and the illusion of the Roman crown, had exercised a particular and pernicious influence. The Roman Empire was transplanted to the only part of Europe which the Romans had never conquered; but, with the imperial dignity came imperial maxims of divine right, principles of arbitrary government, and an incessant endeavour to introduce the institutions and laws of Rome. Baneful as the Roman succession has been to Germany, the introduction of Roman law into the land was, perhaps, its most fatal legacy. Formed in and for an age of the most abject degradation, written in a tongue popularly unknown, possessing a character of technical intricacy, which those only who devoted their lives to its study could master, the Roman code was at once destructive of the popular administration of law, and of the public liberties of the Germans. There was an end of public assemblies; the *Mallus*, and the rights of the *Wehrmen* fell into disuse; and all law, all power, emanated from the hands of sovereign princes. Nor must it be forgotten that the very refinement of Roman law is a misfortune, inasmuch as, once inwoven with the habits of a people, it renders a return to the simple and wiser system difficult, if not impossible. No power can now restore the *Mark* and *Gau*-things in the form in which they existed in the days of Arminius, in the spring-tide of German freedom. Nor is such a restoration to be desired; for the date of the ancient inartificial mode of dealing with public and private rights has long been over. But the existing judicial practice of Germany may still be divested of some of its most odious features. Open courts may be substituted for secret inquisitions, public testimony for private interrogation, and the inevitable tendency of a profession to technical narrowness, and principles of despotism, may be controlled, in some degree, by popular juries. These ameliorations are beginning to excite enquiry in Germany. They will come when the time is ripe, when there is a general perception of their utility; and they will come, like all the social improvements of her simple-hearted and noble people, without tumult, with the common consent of princes and subjects, unsullied by cruelty or crime. As for Arminius, if the Germans of the present day see not in him the great adversary of Roman law, the assertor of those principles of self-government which were born upon German soil, and without which neither public nor individual liberty is possible, the enthusiasm with which they venerate the

deliverer of their fatherland from the yoke of strangers atones for the long neglect of the middle ages, even if it does not emulate the ancient Saxon idolatry. Many a laborious hour has been devoted to his history; antiquaries have laboured to trace his slightest footprint; poets have once more sought inspiration from his name, and a new Irminsül, of colossal dimensions, has recently been reared on the highest peak of the Teutoberger-wald. The worthiest tribute to the hero's memory—*Monumentum ære perennius*—is still the work of Tacitus. The modern Irminsül may perish, like the ancient one; the songs of the day, like the canticles of old, be forgotten; but the *Liberator haud dubie Germaniæ*, the noblest epitaph ever devoted to a mortal, will endure so long as Germany shall prize her national independence, as if it were graven with an iron pen and lead in the rock for ever.

PART SECOND.

CHAPTER I.

The Alemanni.

THE system of doubtful tranquillity which the prudence of Tiberius had introduced into the relations of Rome and Germany continued for many ages to be the policy of the Roman government. There were no formal treaties of peace and friendship, but there were no further aggressions on the German land, nor was the independence again menaced which Arminius had so gloriously won for the German people. By degrees the Danube and the Rhine became the recognised boundaries of the Roman empire, and little occurred in the course of two hundred years to disturb the tranquillity which generally prevailed upon their borders. The power of Rome was too formidable at that period to make any general invasion of her limits possible, yet an occasional foray into the territories of the ancient enemy was too much in unison with the German character to be altogether abandoned, and it often happened in the winter when the rivers were frozen, and the moon gave light, that predatory bands would cross over in quest of booty. Sometimes these outbreaks were followed by speedy punishment, but more frequently the adventurers succeeded in carrying home their plunders, for it was so difficult to capture them, even with far superior numbers, that Ammianus compares them to wild beasts in a forest, which, with whatever care they are surrounded, ever find means to break through. In the middle

of the first century northern Germans appear as pirates on the coast. In the year 47 A.D., a swarm of Chauci, afterwards too well known under the name of Saxons, appeared for the first time on the Gallic shores, but their fleet was destroyed by Domitius Corbulo, (Tac. Ann., xi. 18; Dio Cass., lx.) the prefect of lower Germany. Three years later, in the year memorable for the establishment of a Roman colony in the city of the Ubii, under the name of Colonia Agrippina, (Tac. Ann., xii. 27, 28) an outbreak of marauding Chatti into upper Germany was chastised by the legate, L. Pomponius. In the second century Suevi appeared in Rhetia, and Marcomanni penetrated the Alps as far as Aquileia, (Dio Cass.,) but there were only two occurrences within the period of these two centuries which were calculated to excite uneasiness in the Roman government. The first of these events was the rising of Claudius Civilis, a Batavian, of noble family, by which war was again rekindled on the banks of the Rhine and the Lippe; the second was the Marcomannic war, begun A.D. 169 by Marcus Aurelius on the Danube. Civilis had been driven into rebellion by oppression, aided by the Bructeri and the spiritual influence of the famous Velleda; his early successes made him formidable, and there was, at one time, a prospect of a confederacy of the Germans on both banks of the lower Rhine against Rome; but he wanted the constancy and mental power of Armin, and the conflict after two years of variable fortune, was ended by his submission. (Tac. Hist., iv. 13, 79; v. 14, 26.) The Marcomannic war was of wider spread and longer duration. It was undertaken in order to inflict on the Marcomanni a punishment for their marauding, but that people were joined by Hermunduri, Narisci, Quadi, Suevi, Buri, as well as Tazyges and Sarmatians, and the war was prolonged with some intermissions, to the year 180, when peace was made by Commodus, the successor of M. Aurelius. (Jul. Capit. in Marco. 22 Dio; Excerpt. Xiph. e Dione.) The internal concerns of Germany present little, during the same term, to arrest the attention of the historian. The Vannius (Tac. Ann., xii. 29) whom Tiberius had set over the followers of Marbod and Catualda in the land between the March and the Wage, was, after a reign of thirty years, not without fame, expelled by his unruly subjects; the Hermunduri and the Chatti are recorded to have entered upon a bloody war, (Tac. Ann., xiii. 57) about the same period, respecting certain salt springs near the Franconian Saal, while the Cherusci, once so good and noble, were brought down by their ceaseless dissensions from the proud pre-eminence to which Armin had raised them, and became the prey of neighbouring tribes, and the object of the historian's pity. (Tac. Germ., xxxvi.)

Towards the middle of the third century, however, a change becomes perceptible in the relations and attitude of the German peoples. Many of the nations, which have been celebrated in the annals of the classical writers, disappear silently from history; new races, new combinations and confederacies start into life, and the names which have achieved an imperishable notoriety from their connection with the long decay, and the overthrow of, the Roman Empire, come forward, and still survive. On the soil whereon the Sigambri, Marsi, Chauci, and Cherusci had struggled to preserve a rude independence, Franks and Saxons lived free and formidable; Alemanni were gathered along the foot of the Roman wall which connected the Danube with the Rhine, and had, hitherto, preserved inviolate the *Agri decumates*; while eastern Germany, allured by the hope of spoil, or impelled by external pressure, precipitated itself under the collective term of Goths upon the shrinking settlements of the Dacia and the Danube.

The new appellations which appear in western Germany in the third century have not unnaturally given rise to the presumption that unknown peoples had penetrated through the land, and overpowered the ancient tribes, and national vanity has contributed to the delusion. As the Burgundians (*Amm. Marc.*, xxviii. 5, 11; vii. 32) were flattered by being told they were descendants of Roman colonists, so the barbarian writers of a later period busied their imaginations in the solitude of monastic life to enhance the glory of their countrymen, by the invention of what their inkling of classical knowledge led them to imagine a more illustrious origin. To the Franks the tale of Troy, and the wanderings of *Æneas*, suggested a Trojan derivation; the Saxons, more modest, claimed only a Macedonian descent; while Jornandes, with higher aim, or more reckless invention, asserts the Gothic origin of his people, but declares that Mars himself was a Goth—a fact, he says, well known to the lying Virgil—and has made the Amazons their wives. (*Jornand.*, v. 7.) Fictions like these may be referred to as an index of the time when the young barbarian spirit, eager after fame, and incapable of balancing probabilities, first gloated over the marvels of classical literature, though its refined and delicate beauties eluded their grosser taste; but they require no critical examination; there are no grounds for believing that Franks, Saxons, or Alemanni, were other than the original inhabitants of the country, though there is a natural difficulty arising from the want of written contemporary evidence in tracing the transition, and determining the tribes of which the new confederacies were formed. At the same time, though no immigration of strangers was possible, a movement of a particular tribe was not unfrequent. The constant.

internal dissensions of the Germans, combined with their spirit of warlike enterprise, led to frequent domestic wars; and the vanquished sometimes chose rather to seek an asylum far from their native soil, where they might live in freedom, than continue as bondmen or tributaries to the conqueror. Of such a nature were the wanderings of the Usipites and Teuchteri in Cæsar's time, the removal of the Ubii from Nassau to the neighbourhood of Cöln and Xanthen; and to this must be ascribed the appearance of the Burgundians, who had dwelt beyond the Oder, in the vicinity of the Main and the Neckar.

Another class of national emigrations, were those which implied a final abandonment of the native Germany with the object of seeking a new settlement among the possessions of the sinking empire. Those of the Goths, Vandals, Alans, Sueves, the second movement of the Burgundians, may be included in this category; the invasions of the Franks, Alemanni, and Saxons, on the contrary, cannot be called national emigrations, for they never abandoned, with their families, their original birthplace; their wanderings, like the emigrations of the present day, were partial; their occupation of the enemy's territory was, in character, military and progressive; and, with the exception of the Anglo-Saxon settlement in Britain, their connection with the original stock was never interrupted. In all the migrations of German peoples spoken of from Cæsar downwards, the numbers of the emigrants appear to be enormously exaggerated. The Usipites and Teuchteri are estimated by Cæsar at 430,000 souls. How could such a multitude find nourishment during a three years' wandering? If 80,000 Burgundian Wehrmen came to the Rhine to the assistance of Valentinian, as Cassiodorus, Jerome, and other chroniclers state, the numbers of the whole nation must have approached 400,000, and it is impossible to believe that such a mass could obtain support in the narrow district lying between the Alemanni, the Hermunduri, and the Chatti. In other cases, vague expressions, and still more the wonderful achievements of the Germans in the course of their emigrations, have led to the supposition of enormous numbers; but Germany could not find nourishment for the multitudes which have been ascribed to it. Corn at that period was little cultivated; it was not the food of the people, whose chief support was flesh; and if we assume that the flesh of no animal was rejected, if all the abominations forbidden to the Germans by Pope Gregory III. and Zacharias were eagerly converted into food, they would be far from sufficient to maintain the assumed produce of the imaginary *Officina Gentium*. There are, moreover, a few instances on record which corroborate the fact that the con-

quests of the barbarians were made by comparatively insignificant numbers. Seven kings of the Alemanni, who governed the land from the Lahn and Main to the Danube, could bring to the battle of Strasburg only 35,000 men, and this number, coming from an enemy, is doubtless greatly overstated. The Vandals, when they passed into Spain, were estimated at 50,000 souls; of these a fifth part might be Wehrmen; their numbers are said to have increased during their abode in Spain, but it is probable that the conquest of Africa was achieved by 15,000 fighting men, encumbered as they were with the aged, the women, and the children. A third accidental illustration may be gathered from Gregory of Tours. Chlodwig, restrained from the profession of Christianity by the apprehension of displeasing his Franks, submitted the question of a change of religion to a public assembly of the host; they unanimously agreed to the king's proposition, 3,000 of them were baptized with him; and it may be inferred that those 3,000, whom Gregory deems worthy of insertion, comprised the élite of the Frank Wehrmen. The conquests of the barbarians may be ascribed as much to the weakness of their adversaries, to their want of energy and union, as to their own strength. There was, in fact, no enemy to meet them in the field; and their domination was, at least, as acceptable to the provincial inhabitants as that of the imbecile, but rapacious ministers of the Roman government.

The spread of the German race over almost every province of the Roman Empire, has brought upon it the imputation that the lust of emigration is inherent in the national character and when it is considered that its speech is now heard in every corner of the habitable globe, it must be owned that there is justice in the assertion; yet no people have been more fondly attached than the Germans to their native earth. Tacitus wonders at their devotion to a joyless climate; the obstinacy with which its wilds and swamps were defended in the war of Arminius was the first blow to Roman greatness; and Saxons and Swabians, Franks and Hessians, still maintain their place on the ground where the Romans originally found them, though the freedom which supplied the want of brighter suns has been long extinguished. It might be expected that the tribes which dwelt about the frozen shores of the eastern sea, would gladly seek to exchange them for a happier climate; but, even there, it was not the lust of wandering, but the influence of external circumstances which brought them to the vicinity of the Danube: at first, the aggressions of the Romans, then the pressure of the Huns and the Slavonic tribes. The whole intercourse of Germany with Rome must be considered as one long war, which began with the invasion of Cæsar; which, long restrained by the superior

power of the enemy, warmed with his growing weakness, and only ended with the extinction of the Roman name. The wars of the third, fourth, and fifth centuries, were only a continuance of the ancient hostility. There might be partial truce, or occasional intermission; some tribes might be almost extirpated by the sword; some, for a time, bought off by money; but Rome was the universal enemy, and much of the internal restlessness of the Germans was no more than the natural movement towards the hostile borders. As the invasion of northern Germany gave rise to the first great northern union, so the conquest of Dacia brought Goths from the Vistula to the south, while the erection of the giant wall naturally gathered the Suevic tribes along its limits, only waiting for the opportunity to break through. Step by step this battle of centuries was fought; from the time of Caracalla the flood turned, wave followed wave like the encroaching tide, and the ancient landmarks receded bit by bit, till Rome itself was buried beneath the waters. It will be the business of this portion of my book to trace the progressive footsteps of the Germans from the beginning of the third century to the period when they stood triumphant in every province of the western empire.

Three great confederacies of German tribes, more or less united by birth, position, interest, or language, may be discerned, during this period, in immediate contact with the Romans—the Alemanni, the Goths, and the Franks. A fourth, the Saxons, was chiefly known from its maritime voyages off the coasts of Gaul and Britain. There were also many independent peoples which cannot be enumerated among any of the political confederacies, but which acted for themselves, and pursued their individual ends: such were the Burgundians, the Alans, the Vandals, and the Lombards. It will be convenient to trace separately the progress of each of the three great confederacies; notices of the other peoples will occur, incidentally, in the course of the history.

The Alemanni are first mentioned by Dio (lxxvii. 13), who, with the peculiar infelicity of the Greeks for seizing foreign words, calls them *Αλαμάνοι*. The name has been the subject of much speculation, and much diversity of opinion has arisen among commentators as to its origin and sense; concerning which it must be admitted that nothing altogether satisfactory can be offered. Wachter and, after him, Moue, derives it from the Celtic *El-myn*—a stranger; Möser thinks Alemanni only the harder pronunciation of Germani, both which words are used indifferently by Marcellinus. Johannes Müller inclines to *Almend*, an old word, still in Switzerland and Suabia, to denote common land, as designating possessions in common; others, with Hertius, take Alemanni to be *Alle*, or

Allerlei männer—men of various descriptions—an opinion confirmed by Agathias Scholasticus, who, quoting a certain Asinius Quadratus (Strab., lib. iv.; Cluver. Germ. Ant., iii. 9), an Italian, he says, of accurate knowledge of the German language and people, describes the word *Alemanni* as denoting settlers of divers descriptions, collected from various nations. The Italian is, probably, not far from the truth in his etymology, for the word is used, in the same sense, by Otfried; but, to be accurate in point of fact, it must denote, not a collection of various individuals, but a combination of various tribes; inasmuch as it is not applied to the original settlers in the *Agri Decumates*, to whom alone the former sense would be applicable, but to the Germans who broke in upon them, who appear to have consisted of Suevic peoples,—*Hermunduri*, *Narisci*, *Harudes*, and others of southern Germany, which had before formed part of the *Marcomannic* kingdom. These tribes bounded the Roman fortifications which secured the settlements known by the name of *Agri Decumates*, the history of which may here be recapitulated.

When the *Marcomanni*, at the instigation of *Marbod*, abandoned, for *Bohemia*, the vicinity of the *Rhine*, the ground was occupied, in the course of time, by settlers of various descriptions. The German, who preferred a sylvan freedom in the depths of the *Hercynian* forest to the splendours of *Marbod's* sovereignty—the *Gaul*, who had nothing to lose in his own country, made venturesome by necessity—brought with him his horse, his spear, his yoke of cattle, if he had them; built a hut of branches, dwelt alone, neither needing nor seeking society, but, like the settlers in the far west, lived a sylvan life of solitude and labour. These early settlers, who lived chiefly on the produce of the chase, were soon followed by others; who, allured by the fertility of the soil, drew over the river in companies, with greater wealth, herds and flocks, families, and serfs. The Roman Government, ever alive to the importance of securing the great rivers, encouraged the settlement, took to itself the property in the soil, which they made *tythe-land* (*Agri Decumates*), and offered advantages to veteran soldiers who chose to seek a home upon it. By degrees, the limits of the colony were extended, and the *Vallum Romanum* was prolonged, from the *Neckar* to the *Danube*, for its security. This famous fortification was, at first, little more than the common entrenchment used in the formation of a Roman camp, consisting of a ditch, varying from nine to thirteen feet in breadth, and from seven to twelve feet in depth, an *agger* of the earth thrown out, resting upon a foundation of stone; the *agger*, surmounted by the *vallum*, properly so called, consisting of young trees, or the branches of larger trees—the ends

carefully sharpened, and fixed firmly in the mound, almost close together, and formed a fence, not easy, with the means of those days, to be surmounted. Forts of stone, from 150 to 300 feet square, several of which are still standing upon the Höhe, on the eastern side of the Odenwald, were raised at convenient distances, and served to lodge detachments of legions and cohorts of allies; while colonies of veterans and bands of volunteers contributed to the general security. It is curious, at this distance of time, to gather, from inscriptions, the fact of settlements of Britons in the heart of Suabia and Franconia. An altar, found on the Altmühl, was dedicated, A.D. 213, by an officer of the 3rd Cohort of Britons, to Minerva; another inscription records, that a standard-bearer, of the same corps, raised, in 221, an altar to all the gods on his own land, at Jaxthausen; at Schlossau and Amorbach, stones have been found dedicated to Fortune and to the Nymphs, by officers of the Tripitensian Britons attached to the 22nd legion. These monumental stones, found in the vicinity of the Vallum Romanum, appear, from their dates, to have been reared, for the most part, between the reigns of Hadrian and Alexander Severus. Roads were not wanting, in the tythe-lands, for military communication and general utility. Besides less important lines, of which remains may be traced in the present day, near Beerfalden, in the Odenwald, and at Epfenbach, on the way to Wimpfen, two great military ways connected Belgic Gaul with Helvetia and Vindelicia. One led along the present Bergstrasse by Ladenburg, Baden, Steinbach, Bühl, and the Breisgau to Augst; the other ran by Pforzheim, through the Martinian Wald, to Caunistadt, thence to the Danube, crossing the river a little below Günsburg, thus connecting Mainz with Augsburg. Neither was the care of the Roman government limited to external defences and internal communications. Agriculture was introduced; the golden harvest replaced the watery meadow and the dusky wood; for the rivers of the fertile Rheintal, which had heretofore wandered unrestrained, were dammed into lawful channels, making a garden, where before was a morass; the vine was planted on the hills of Baden and Suabia, and the Agri Decumates became one of the most flourishing parts of the empire. This fertile region, and its rural wealth, became naturally an object of cupidity to the Alemanni who dwelt around it.

In the year 213 Caracalla repaired to southern Germany, and the name of the Alemanni comes forward, for the first time, in history. "Caracalla," says Herodian, "fled from Italy to the banks of the Danube, where he sought to quiet the stings of an evil conscience by active exercises, such as the chariot and the chase. He avoided no labour, taking, like a common soldier, sometimes the

shovel, sometimes the spear, ate black bread, drank out of a wooden cup, and preferred the name of comrade to that of prince. He often appeared in a dress of the German fashion, embroidered with silver, and wore a peruke of yellow hair, arranged after the German manner, with which the barbarians were in the highest degree delighted." (iv. 7.) He seemed to give himself up entirely to German habits, surrounded himself with a guard of Germans, whom he termed his lions; and when German ambassadors visited him, he often adjured them, in case any mischance befel him, to avenge him, by breaking into Italy and taking Rome, which he told them was easy to be done. By such habits and such a semblance of confidence, he won the love of the German tribes in the midst of which he lived, converting them from foes into allies and friends. The sequel is related by Dio. In the midst of these arts Caracalla was careful to construct fortresses, which, by the Germans, fascinated as they were by his noble qualities, were regarded only as sport; and then, having on a certain day called together an assembly of their young warriors, under the pretext of taking them into his pay, he caused them to be cut down by the soldiery, those who escaped being captured by the Roman horse, placed in readiness for that purpose. Alemannic women who fell into his hands, being asked whether they preferred death or slavery, chose the former, but were nevertheless sold; whereupon they took their own lives, and many even those of their children. The way being thus prepared, he advanced through the country of the Her-munduri to the Main, where, according to Amelius Victor, he defeated the Alemanni, a numerous folk, admirable for their skill in equestrian combat; but Dio leaves it to be inferred that the result of his expedition was disastrous, the victory being purchased with money, not with blood. (lxxviii. 6, 13, 14, 15.) Such, notwithstanding his assumption of the titles Germanicus and Alemannicus, seems, if we may believe Dio, the ordinary nature of Caracalla's victories. Ælius Spartianus repeats, in general terms, the story of his Alemannic conquest; but Dio tells us he was a mere subject of imposition to the barbarians, even to those of the far Elbe and the ocean, whose ambassadors willingly put up with his rough words when they saw his gold in their hands; and yet Machiavelli speaks of him as *ferocemente valoroso*, and Johannes Müller is not ashamed to say that the nations, from the distant Scotland to Persia, were kept in dread by his wild fire!

Caracalla became insane. Dio tells us that the Allemannic witches boasted that they had driven him to madness by their incantations, as a punishment for treacheries and cruelties. The fact of his insanity can scarcely be questioned. (Spartian in Carac., v.

10; Dio, lxxviii.; Aurel. Vict.; Johan. Müller; *Gesch. der Schweiz*, i. 66.) No other interpretation can be given of the alternations of ferocity and despondency, of the treachery without object, the cruelty without cause, which marked his intercourse with the Allemanni; but it needed no incantations, no magic, to account for the insanity of one, who constantly carried about with him the evil spirit in his conscience. The propensity of the Germans to marauding on the Roman territory was not the consequence of national bitterness towards Rome, as is evident from the results of Saturninus's administration, and the credulity with which they resigned themselves to the blandishments of Caracalla. In the barbarian vocabularies war did not imply hatred, nor was a foray thieving; the former was a trial of heroism; the spoil gained by the latter the legitimate reward of valour. The *Fehde* was open till it was composed by agreement; but treachery, after composition, altered the whole character of the relation of the parties, whether individual or national. Therefore, after the bloody caprices of Caracalla, no real peace between the Alemanni and Rome was possible; and it was to be expected that the Agri Decumates would be attacked whenever its defences could be surmounted. The year 234 is remarkable as the period at which the Alemanni first broke into the Agri Decumates, and penetrated to the Rhine and the Danube. They appear to have crossed the Rhine, but retreated on the approach of Alexander Severus, who brought with him a great army, in which were Osrhoeni, Mauri, and Armenians, and threw a bridge over the former river; but, notwithstanding his superiority in numbers, his successes in partial combat with the Alemanni were so equivocal that he judged it expedient to send orators to their camp, who offered them whatever they might want, particularly an abundance of money, of which, says Herodian, the Germans are, above all things, greedy. The murder of Severus (Herod., vi. 7; Lamprid. in Alex., lix.) broke off the treaty; and his successor, Maximinius, a barbarian by birth, carried the war into the Alemannic territory with such success, that only their woods, rivers, and morasses saved the entire race from extermination. "I cannot describe," said the emperor, in his letters to the senate, "how much we have done. We have burnt forty thousand German villages, slain all who were in arms, and carried off flocks and captives; we have fought in the marsh, and should have penetrated into the forest, had not the depth of the morasses prevented us." (Capitolin. in Maxim., xii.) It is vain to indulge in speculations, from these vague expressions, as to the direction and extent of Maximin's expedition, of which the only visible result was the assumption of the title Germanicus. The war seems to have been the work of a

single summer; for, towards winter, he departed for Pannonia, and came no more into this part of Germany, being murdered in A.D. 237.

From this time the history of the Alemanni becomes darker, though there are indications that Gaul and Italy were often afflicted by these visitations. Gregory of Tours relates that in 251 Chrocus, an Alemannic king, being incited by his mother to invade Gaul, crossed the Rhine, captured Mainz and Metz; and, though repulsed before Treves, penetrated to the south as far as Arles, where he was taken and put to death. But the only classical writer who adds any confirmation to this statement is Eutropius, who writes that, in 259, the Alemanni, having wasted Gaul, penetrated into Italy. Germans also (perhaps another body) made their way into Spain, where they destroyed the noble city, Tarragona. This confusion continued through the troubled reign of Gallienus (Aurel. Vict. Epit., xxxiv.), which was violently terminated in 268, in which year a swarm of Alemanni had found means to advance over the Alps, as far as the Lago di Gardia, where they were defeated by the Gothic Claudius. In the time of Aurelian another host of Germans, said to be Alemanni and Marcomanni, invaded Rætia, passed the Alps, and reached the banks of the Po; nor was it till after three bloody battles that Italy was delivered from their ravages. The wretched historians of this period are, as usual, obscure, contradictory, and void of date and detail respecting the progress of the invaders; but they mention an incident which may serve to shew the apprehensions, as well as the inveterate superstition of the Romans. The Sybilline books were consulted; Aurelian himself proffered as many human victims for sacrifice as they should demand; and certain places, on their route to Rome, were exorcised, and certain things buried with magic ceremonies, in order to prevent the passage of the enemy over them. The Romans appear to have lost a battle at Placentia, and to have gained battles at Fano and Pavia, to which Aurelius Victor adds a third victory at Placentia, though this, perhaps, is the defeat mentioned by Vopiscus. (Zosim., i. 49; Vopisc. in Aurel., xviii. 21; Aurel. Vict. Epit. in Aurel., xxxv.) From Italy Aurelian marched into Rætia, and relieved Vindonissa, which was besieged by the Alemanni. During Aurelian's, and in the preceding reigns, the Alemanni seem settled in the Agri Decumates, whence they not unfrequently troubled Gaul, as well as Rætia and Italy. A vigorous governor like Aurelian might drive them back, but they invariably returned to the banks of the Rhine, corroboration of which fact may, perhaps, be found in the numerous medals bearing the inscriptions of Germanicus and Victoria Germanica, which

could scarcely have been struck without some conflict with the Germans. These facts, however, are significant signs of the perceptible shrinking of the Roman Empire, when barbarian hordes, insignificant in numbers, could traverse such an extent of country, unconquered, and almost unresisted.

The reign of Probus is an epoch in Alemannic history. The death of Aurelian was the signal of a new outbreak of the Alemanni across the Rhine; and all Gaul is described as being in the possession of the barbarians (*Vopisc. xiii.*), among whom are enumerated, in addition to Alemanni, Franks, Burgundians, Logiones, and Vandals. According to *Vopiscus*, sixty; according to the report of Probus himself, seventy great cities had fallen into their hands; and seemed the first duty of the new emperor to vindicate, if possible, the ancient limits of the empire. In the year 277 he entered Gaul, where he first attacked and defeated the Logiones, captured their prince Semno, but granted them peace upon the restitution of the booty they had taken, and then retreat into their own land. Then, while his lieutenants were successfully combating the Franks, he turned his arms against the Burgundians and Vandals. His force being greatly diminished by loss and division, and much inferior to that of the barbarians, he called stratagem in aid, in order to ensure victory. Encamped on the bank of a certain unnamed river, which flowed betwixt him and the barbarians, he provoked them by insults to a disadvantageous assault, and, as they rashly forded the river, attacked them ere they could form on its banks; many of them perished, many fell into the hands of the Romans; the remnant begged for peace, which was conceded on the same condition, of giving up the spoil they had captured, which had been agreed upon with the Logiones. Whether it was that the Germans did not faithfully fulfil the terms, or that the temptation of opportunity to extirpate a formidable enemy was irresistible, Probus made a second assault upon them as they were drawing off, took prisoner their Adelung, Igel, and distributed those who escaped the sword among the garrisons of Britain. Such is the account of *Zosimus* (i. 67.) *Vopiscus* relates that Probus cleared Gaul of the Germans, who were wandering, without fear, within it; slaughtered four hundred thousand, who had settled on Roman soil; recaptured the spoil they had taken, and drove the rest beyond the Neckar and the Alb. (*Vopisc., xiii.; Gib., ii. 79; Tac. Germ., xli.*) There, upon barbarian ground, he raised Roman cities and fortresses; planted, as garrisons, settlements of veteran soldiers, to whom he allowed fields, houses, barns, and corn. For the head of every barbarian he gave an Aureus. At length, nine Adelings (*Reguli*) of nine several tribes threw themselves at his feet, imploring

peace. Probus demanded hostages; they were given: he then required contributions of corn, oxen, and sheep; afterwards he forbade the use of arms, commanding them to leave their defence to the Romans, in case they should be assaulted by other tribes, though this could not be carried into effect without reducing the whole of Germany to a Roman province. Finally, he impressed sixteen thousand of their youth for the Roman service, whom he distributed in companies of fifty or sixty each among the limitanean soldiery throughout all the provinces of the empire. To the senate Probus wrote, "I thank the immortal gods, conscript fathers, that your favour towards me has been justified. Germany is subdued. Nine kings of different folks have thrown themselves suppliantly at my feet—at yours. It is now for you that the barbarians plough, for you they sow, for you they fight against more distant peoples. Four hundred thousand have fallen by the sword; your legions are swelled by sixteen thousand of their choicest warriors; seventy proud cities have been redeemed from barbarian captivity, and nearly the whole of Gaul has been delivered. The spoil which they had taken is recovered; and more is captured than had been lost; the plains of Gaul are ploughed by German oxen; German flocks serve for our nourishment; our granaries are filled with barbarian harvests; we have left them nothing but the soil." (Prob. in litt. ad Senat. ap. Vopisc., c. 15.) In this style is the history of the day written. There are no particulars, no dates, no notices of the localities in which the events took place; we are even in uncertainty as to whether they occurred in Gaul, or beyond the river; nor is it clear, from the narrative, whether the fortresses it speaks of were in the vicinity of the Rhine or whether the passage relates to the Teufelsmauer, though, from the circumstance of the settlements of soldiers, the latter may be presumed. Neither does it appear that the Agri Decumates were cleared of the Alemanni who had taken possession of them; the nine kings are, apparently, chiefs of the tribes which had formed settlements thereon; and it is evident that those settlements were permitted to continue undisturbed, or why should the settlers be required to trust to the Romans for their defence? It was called barbarian land, because barbarians had been long in its possession; and Probus expressly admits the fact that the soil was left to them. It is no slight praise, however, of Probus, that he was enabled to clear the greater part of Gaul of the foreign hordes which were wasting it; that he repaired, with stone, the fence of Hadrian, which, in five and forty years of abandonment, had fallen into ruin; that he renewed the garrisons of settlers, and re-endowed them with lands and houses; and it is no derogation of his wisdom that he permitted the Alemanni, who

had for so many years been settled within its limits, to continue in possession, on the condition of acknowledging the supremacy of Rome. Perhaps, had not this been done, the once fertile land might have been reduced to its original wildness; for the ancient settlers must have mainly been swept away by the incessant incursions of the barbarians, after the wall was once beaten down. Probus, though, like Claudius and Aurelian, a Pannonian by birth, was not a barbarian in mind. He knew the value of agriculture, knew the blessing of peaceful employment to the soldier. It is to him that Gaul and Germany are indebted for the restoration of the vine. The vineyards of the Rhine and the Mosel, perhaps those of the Neckar and Suabia, must be referred to Probus. It is no uninteresting trait in his character that Almus, a hill near Sirmium, in Illyria, was planted by the soldiers' hand, under his own eye, with vines of the choicest quality. (Eutrop. ix. 17; Vopisc. xviii; Strab. iv. 768; Suet. in Domit. vii.)

From the date of the departure of Probus into Illyria to that of the entrance of the younger Constantius into Gaul, a period of seventy-six years, the affairs of western Germany are enveloped in an even increased obscurity. The historians of the time are orators and panegyrists, men profuse of words but spare of facts, who would lead the world to suppose that all ancient heroism was obscured by the merits of the evanescent idols of the day. Victories are spoken of, enormous exaggerations appear, impossible figures are gravely stated, but all is confused and indistinct; connection, colouring, dates and localities are wanting, and it is almost vain to follow these wandering fires dancing over the morass of history. The only true criterion of the state of the war of Rome and Germany accessible to the historian, is the geographical position of each people with relation to each other, the consideration of the varying boundary at certain intervals; and we find that the Pfahlgraben of Probus proved no defence, that the tythe-lands were shortly after his death (in A. D. 282) permanently in the possession of the Alemanni, and that, during the whole of this three quarters of a century, their incursions into Gaul became every year bolder and more frequent. With the Romans the war was ever a defensive one; the Germans were the assailants; the object of the latter was to take spoil, to keep what they had was the extreme of the humble ambition of the former. Among the incidents referred to by the panegyrists may be noticed an irruption of Alemanni and Burgundians united (Mamertine, Paneg. c. v.) into Gaul shortly after the accession of Maximian, probably in 280, only four years after the death of Probus. About the year 294 the orator Eumenius (Eumen. Paneg. iv. 2) boasts that the Cæsar Constantius actually

led an army through the Agri Decumates from the Rhine to Guntzburg on the Danube, capturing on his way a king of the ferocious Alemanni; but, two years afterwards, an Alemannic army passed the Rhine into the country of the Triboci and Sequani, perhaps near Brisach, whence they invaded the country of the Lingones; near Langres they came up with the Roman army, which they scattered so fearfully, that in their flight the soldiers outran Constantius, who on his arrival at the city found the gates barricaded, and was drawn up over the wall into the town with ropes. Whether the soldiers were ashamed of their cowardice, or whether despair prompted them to a last effort, Constantius, five hours later, found means to lead them again into battle, and they fell upon the victory-elated Alemanni with such fury that sixty-thousand of them were slain. (Eutrop. ix. 23; Eumen. vi. 6.) When we read of sixty-thousand men being slain by an army of runaways who had found shelter within the walls of a little town; of Probus, under still more unfavourable circumstances, having destroyed four hundred thousand men, it is enough to destroy all confidence in the relations of the times. How could southern Germany, a country of Wald and wood, pour forth such numbers of people? In this relation the figures are necessarily repeated, but it must never be forgotten that no reliance can be placed upon them.

A ten years' tranquillity would seem to have been the consequence of the defeat at Langres, during which time a better understanding was come to between the Alemanni and the Roman government, for in 306 an Alemannic king, Croch or Eroch, perhaps the ferocious prince kidnapped (Aur. Vict. Epit., xli; Eum. vi. 6.) in the Agri Decumates, attended Constantius into Britain with a body of his people, and, on the sudden death of the emperor, at York, on the 5th of July in the same year, was mainly instrumental in raising his son, the great Constantine, to the purple. The thirty-one years of Constantine's government are almost a blank in Alemannic history. Notwithstanding Nazarius, (Nazar. Panegy. ix. 18 and 36) in the panegyric delivered A. D. 321, when the Cæsars celebrated their Quinquennalia, couples Alemanni with Bructeri and Chamavi, Vangiones, Tubantes and Cherusci, all the dreadful names he had ever heard of, and celebrates the successes of Crispus, Constantine's son, against the Germans, an almost uninterrupted quiet appears to have prevailed in southern Germany, of which the supposition of presents and subsidies (Amm. Marc. xxiv. 3, 4) offers the most credible explanation. The removal of the government to Constantinople would naturally withdraw the attention of Constantine from the western to the eastern

parts of the empire, and the tranquillity of Germany, however purchased, left him at liberty to deal with the Goths, and to mature his new plans of civil and ecclesiastical government. He died on the twenty-second of May, A.D. 337, at Nicomedia, leaving three sons behind him, of whom the eldest, Constantine, fixed his residence at Treves, but fell in 340, in a battle with his brother Constans, who thenceforth reigned alone in the west, as Constantius in the east. In January, 351, occurred the sedition of a Frank, Magnentius, in which Constans also was slain, (Julian Orat. i. 34; ii. 56; Zosim. ii. 59; Eutrop. x. 9) and Magnentius, by the support of his countrymen, and of the Saxons, possessed himself of Gaul, Italy, and Pannonia. Defeated at Mursa on the Drave by Constantius, Magnentius retired into Italy, and Constantius called the Alemanni into Gaul to assist in cutting off his retreat into that province, (Eutrop. x. 12; Zos. ii. 59; Hieron. in Chron. ad. Ann. xxxv.) an evidence in itself that the Alemanni had been long living in a friendly understanding with the Flavian family. Chuodomar, one of their princes, crossed the Rhine in consequence of the imperial invitation, and was followed by Gundomar and Vadomar, two other German Adelings; they did good service to their patron, and Magnentius and his brother Decentius fell into despair by their own hands, the former at Lyon, the latter at Sens; but Constantius soon discovered that the presence of such allies was more injurious to his interests than civil war, and as he probably found it difficult to get rid of them, he made no scruple to drive them back by force into their own country. Gundomar and Vadomar appear to have established themselves in the neighbourhood of Valence, whence they plundered the surrounding districts, but they retired on the approach of Constantius, who, in the spring of 354, assembled an army at Chalons sur Saone, and followed them towards the Rhine. On his arrival at Basel, he found the Alemanni standing on their defence on the opposite bank of the river, and in vain attempted to throw over a bridge in the face of their javelins, which flew like hail around the soldiers. Constantius had given up the passage as an impossibility, when he was guided in the night over a shallow part of the river by a double traitor, and suddenly found himself at daybreak in presence of the Alemanni, who, pre-advertised, had moved upwards to receive him, in a most disadvantageous position. Those who are acquainted with the country about Basel will not wonder that, with the Alemanni posted on the heights immediately before him, and the river in his rear, Constantius should offer terms (that is money) to Gundomar and Vadomar, which were joyfully acceded to by them, though they insisted that the treaty should be ratified according

to the rites of the Germans, a proof at once of the dilemma in which the emperor found himself, and of the little confidence the barbarians had in his promises. In some degree to conceal the shock imperial pride had sustained, Constantius affected to leave the question of peace to the decision of the army, which he did in a long speech, and the army, who saw with their own eyes the position they were in, unanimously voted peace, convinced, says Arminius Marcellinus, (*Amm. Marc. xiv. 10*) that Cæsar's fortune was only great in civil commotions, but that in foreign he had no luck. It is with the year 353 that the extant history of Marcellinus commences, and we feel ourselves, from that period, upon surer ground. Occurrences are related more connectedly, some with spirit; there is a manliness in his style which gives confidence, and an air of truth, of which the mention that Constantius, in his embarrassment, consented to ratify the peace after the barbarian fashion (*Amm. Marc. xiv. 10, 16*) is no insignificant indication. Gibbon passes over in silence this unlucky adventure of Constantius with the Alemanni, curious as it is as an illustration of the relations of Rome and Germany.

On the 6th November, 355, Julian was declared Cæsar at Milan by Constantius, and repairing to Gaul, passed the season of inactivity at Vienne. (*Amm. Marc., xv. 8.*) The value of Constantius's victories "may be estimated from the fact that Julian, on his arrival in that city, found the whole of the east of Gaul in possession of the Germans. Chuodomar, who had been called over by Constantius in the tumult of Magnentius, had never been dislodged, but roamed about the country with his Alemanni at pleasure. Five and forty great cities, Julian himself says, without enumerating small towns and castles, had been destroyed by the barbarians; the whole course of the Rhine was in their hands; they were permanently settled on its left bank to the distance of three hundred stadia; thrice that extent of country lay waste and untilled in consequence of their marauding, which made cultivation impossible; and so great was the dread of the people of that part of Gaul at the Alemannic name, that cities where they had never shewn themselves were often abandoned by their inhabitants in the mere apprehension of their coming. (*Julian. ad. Athen. cclxxviii.*) To this picture Marcellinus adds, that not a single fortress, except Remagen, and a solitary tower near Cologne, remained standing along the whole course of the river; all were destroyed. (*Amm. Marc., xvi. 3, 1.*) The hatred of the Germans to the cities has been before remarked. Inured to the freedom of the forest and the field, they regarded walled towns as holds of despotism. "Throw down your walls," cried the Teuchteri in the war of Civilis to the

citizens of Köln, "for even wild beasts lose their virtue when cooped up in cages." (Tac. Hist., iv. 64.) In addition to the hereditary dislike, the fortified towns were also the objects of their apprehension (Amm. Marc., xvi. 2, 12), they destroyed their fortifications therefore, if not the dwellings, wherever they could capture them; and wherever they settled in Gaul they dwelt, according to their ancient wont, in the open country.

The once flourishing provinces of Rhætia and Helvetia were more ruined even than Gaul; they had long lain waste and desolate. So early as the year 162, in the second year of Marcus Aurelius, Suevic bands had broken into Rhætia, and penetrated to the mountains' foot. It is little known how these disorders were appeased, or what was the progress of the scourge—whether, while the fortresses continued Roman, Alemanni settled on the plains, as in the Decumatean land, or whether the ruin was effected by an incessant course of marauding. In 265 a Croch is said to have traversed Rhætia and Helvetia with a vast army; in 304 the hordes which ravaged Gaul ravaged also Helvetia; but no details have been preserved of the succession of miseries, in which a whole nation was rooted out. "Strange," as Johannes Müller remarks (Gesch. Schweiz., i. 74), "that a whole people should perish, and no historian should mark their departing day with a single word!" Already, in the second century, Ptolomæus had spoken of the Helvetian wastes; and fifty years after the last-mentioned irruption of the Alemanni, Marcellinus, an eye-witness, describes Aventicum (Amm. Marc., xv. 11, 12; Gesch. der Schw., i. 75), the Helvetian capital, as a deserted city, whose half-mouldering edifices were evidences of a splendour which had long since departed.

To such a condition had Gaul, Rhætia, and Helvetia been brought at the time when Julian received the charge of their administration. The winter of 355-6 was not yet over, when rumours reached Vienne, that Autun, an ancient city, whose walls, though of wide extent, were tottering with age, was beleaguered by the barbarians; and Julian, having pushed on his preparations, broke up on 24th June for its relief. Autun had been already saved by the despair of its citizens; and Julian marched by that city, Auxerre, and Troyes to Reims, where Marcellus and Ursicinus, with the bulk of the Roman army, were waiting for him, not without being compelled more than once to fight his way; for the Alemanni, well acquainted with the country, were constantly on the watch in the forests, and at one place, taking advantage of a dark and rainy day, were within little of cutting off two legions. At Reims the choice of operations was no small difficulty. The great cities of the

Upper Rhine, Mainz, Worms, Speyer, and Strasburg were in ashes; but Julian advanced by Dienne, in Lorrain, towards the river, and at Brunt (Brocomagus) obtained a first, though indecisive, success, over a body of Alemanni. Thence he turned northwards for the recovery of Köln, which, the walls having been destroyed, he found no difficulty in entering, and of which the possession was confirmed to him by a treaty with the Franks, who held the surrounding country, and probably set little value on the city; and who, from some unknown cause, were at that time not averse to a truce with the Romans.

Joyfully did Julian, in consequence of this unhopd success, having first restored as far as possible the fortress of Köln, bend his steps through the Treves territory to Sens, where he purposed to winter; and to Sens did the Alemanni follow him, but were compelled, after a thirty days' siege, by a want of necessaries, to break up. (Amm. Marc., xvi. 2, 3, 4.) During the winter and the ensuing spring the inroads of the Alemannic tribes became daily more ruthless, and embraced a wider circle. A reinforcement of twenty-five thousand men, sent by Constantius to the assistance of Julian, had reached the country of the Rauraci, about Basel; and Julian, who, after a stormy winter, (Amm. Marc., xvi. 11, 1) had quitted Sens, began his march towards the Rhine, with the intention of checking them by their united strength; but a body of them, called Læti, with unexampled audacity, penetrated between both armies to Lyons; and, though they were beaten off from the city, destroyed or carried off whatever remained upon the open land. There was still a chance of intercepting them on their return, but that was defeated by the treachery of Barbatio. When the army had descended from the Vogesen, its progress was delayed by the Alemannic inhabitants of Alsace, who, alarmed by the approach of the Romans, endeavoured to block up the way through the forests by huge trunks of trees; and, when this had failed, fled to the islands, which are thickly scattered in the bed of the river, howling many an insult against Julian and the Romans. To dislodge them, Julian sent up to Barbatio for seven superfluous ships, in order to construct a bridge; but these being burnt by the courtier, who had been taught jealousy of the Cæsar in the Imperial court, to evade compliance, he despatched a chosen band of auxiliaries across the water, which happened to be low, from the extreme dryness of the summer, who, partly wading, partly swimming, succeeded in reaching the nearest of the islands, slaughtered all thereon, without distinction of age or sex, mastered the little Kahns drawn upon its banks, and caused such terror among the Germans who had taken refuge upon the other islands, that they

decamped across the river to the German side, carrying with them their barbarian wealth, such as corn and other provision. (Amm. Marc., xvi. 11.) There is nothing in the historian to indicate the precise locality of these operations; but as Julian must have descended from Zabern (*Tres Tabernæ—Saverne*), and as Strasburg was in the hands of the Alemannic army, he must, in order to co-operate with Barbatio, who lay near Basel, have taken the route by Schlettstadt; and the islands, of which the river below Basel is full, were most likely those in the vicinity of Breisach or Burkheim.

From this point Julian returned to *Tres-Tabernæ*, in order to block up from the Alemanni the great road over the Vogesen into the interior of Gaul. Barbatio, in the mean time, was endeavouring, below Basel, to throw over the river a bridge of boats, with the view of preventing the passage of new hordes of Alemanni, by attacking them upon their own ground (for the Agri Decumates were now Alemannic ground), but his work was ruined by the cunning barbarians, who drove huge beams and trunks of trees down the current, by which the boats were destroyed or driven from their moorings. In the midst of the confusion, the Alemanni on the Gallic side suddenly fell upon him, dispersed his force with great slaughter, pursued the fugitives to the boundaries of the Rauraci, capturing baggage, horses, and camp servants, whence Barbatio returned to Constantius. The mishap opened the Rhine to the Alemanni, who poured over to join Chuodomar in such numbers that, in their small craft, they were three days and three nights in ferrying over. Among them were the people of Gundomar and Vadomar, who had so recently made peace with Constantius, though Gundomar himself was no more, and Vadomar remained behind. Chuodomar, who had so long continued in Gaul, was now encamped in the neighbourhood of the city of Strasburg; he had with him six kings, as the Germans call them—a word synonymous with blood, and ill translated by “*Reges*”—(ten Adelings or chiefs of noble blood), whose united force amounted to 35,000 men. The kings are called, by Marcellinus, Vestralpus, Urius, Ursicinus, Suomarius, Hortarius, and Serapio. (Amm. Varc., xvi. 12, 25.) From Strasburg Chuodomar sent ambassadors to Julian, to admonish him to leave the Alemanni in peaceful possession of the land which they had won by their valour. Julian smiled at the mandate, detained the messengers in custody, and descended from Saverne with 13,000 men, to give battle to the confederates. The combat is described as being so desperate and bloody, that 6,000 Alemanni were left upon the field, and as many more perished in the Rhine, in the vain attempt to get over; yet only 243 men are said to have fallen on the side of the Romans. Chuodomar,

conspicuous from his red-plumed helmet, his steed, his spear of formidable weight, was still more conspicuous for his courage and exertions; the Alemanni were not taken at disadvantage, but fought manfully; the disparity in the slaughter is, therefore, inexplicable. Chudomar himself, when all was lost, endeavoured to regain his camp, but was compelled to surrender to a body of Roman horse; and it is a singular trait of German habits that his Geleit of two hundred Wehrmen, on his submission, gave themselves up with him, as if it were their duty to follow their leader even into captivity. (Tac. Germ., xxv.) They were the only prisoners made. Julian spared Chudomar's life, and boasts of the consideration with which he treated him; but he sent him to Constantius, in Italy, and he died soon afterwards of heimweh, in the Castra Peregrina, on Mount Coelius. (Amm. Marc., xvi. 12.)

Zosimus compares the victory of Strasburg to that of Alexander over Darius; the tenth of the Panegyrici veteres boasts that all Germany was cut off by that single blow; but Marcellinus, with the cool straightforwardness of a soldier, admits that the Alemanni were only made audacious and fierce, even to insanity, by their defeat. (Zosim. Hist., nov.; Panegy. x. c. 4; Amm. Marc., xvii. 8, 1.) After the battle, Julian, instead of occupying Strasburg, and clearing the valley of the Rhine, retired again to Saverne, whence he retreated to Metz, in order to secure, within that fortress, the booty and the prisoners. Late in the autumn, he quitted Metz for Mainz, where he threw a new bridge over the river (for the ancient bridge of Drusus had long been broken up), and in order to divert the attention of the Alemanni from his passage, he put 800 men in light craft, with orders to cruise up the Main, and to land, wherever they could do it with speed and safety, and fire the Dorfs and numerous houses upon its right bank. The smoke of the burnings led the Alemanni to conclude the bridge was a ruse, and having, in the belief that the enemy were in force in that direction, crossed hastily over the river, Julian availed himself of their departure to break over to the left, and advanced along the Main, to the distance of ten miles, when he was stopped by an impenetrable forest, within whose gloom, he knew, or apprehended, the enemy lay in wait. The snow, too, began to whiten the mountain tops, and warned him to return. The whole plain was studded with villages, rich in cattle and corn, and houses, built with almost Roman skill (Amm. Marc., xvii. 1—7); he contented himself, therefore, with burning these, and carrying off the spoil and the captives, and with restoring and garrisoning the ancient fortress called "Munimentum Trajanum," which had formerly been founded by Trajan, apparently at no great distance from the

embouchure of the Main, in which he encountered no opposition. While he was occupied by this work, ambassadors, from three of the Chünings, who had been at Strasburg, came to his camp, to sue for peace, which he refused to consent to, granting them, however, a ten months' truce; in the course of which he hoped to complete the works he was engaged in. The truce being agreed upon, the kings themselves appeared before him, not without fear, and ratified it with an oath, according to the rites of their country: engaging to abstain from hostilities upon the garrison (Amm. Marc. xvii. 1), to supply it at their own cost with provisions, even to carry supplies upon their shoulders, rather than suffer it to want. Marcellinus (Amm. Marc., xvii. 1—14), sober as he is, permits himself to compare this war of Julian's with the Punic war; but this is far from sufficient for Zosimus, who makes Julian win a great battle over confederated Germany, pursuing the fugitives to the Hercynian forest; nor did he grant them peace, until every Roman captive, according to Notarial reckoning, had been restored. It is curious to compare these wordy victories with the actual feats of Drusus and Germanicus. To the former the Elbe, to the latter the Weser, was the boundary of conquest. Julian rests his fame upon penetrating ten miles in the situation of the Odenwald, and repairing a fortress, which had fallen into decay.

Julian passed the season of inactivity at Paris, which city, however, he did not reach until the end of January, A.D. 358, having been detained fifty-four days, by the siege of a castle, on the Maas, into which a party of 600 marauding Franks (Amm. Marc. xvii. 2; had thrown themselves, whom, on their surrender, he sent on account of their gigantic bodies altogether as a present to the Emperor Constantius. In expectation of supplies from Aquitaine, or, perhaps, waiting for the expiration of the time, Julian did not think of renewing the war with the Alemanni before the month of July; but, considering that the soldiers must be fed as well in idleness as in activity, he filled up the spare time of the early summer by a foray against the Salii and Chamavi, who, by this time, had settled permanently in Toxandria (Amm. Marc., xvii. 8), in the neighbourhood of the Scheldt and the Maas. From the Maas Julian returned to the Rhine, where he again threw over a ship-bridge at Mainz, and passed into the Gau of King Suomar, who, in the hope of preserving his land, bent his pride to sue for peace, which was granted, upon the condition of the restoration of all Roman captives, and the regular supply of a stipulated amount of provision. From Suomar's Gau, which lay opposite to Mainz on both banks of the Main, Julian intended to pass into that of Hortar, which extended from Suomar's southern boundary to the vicinity of the Neckar, but

Hortar had barricaded the ways by piles of felled trees, and it was not until Charietto (*Amm. Marc.*, xvii. 10), a Frank, experienced in forest warfare, had found a way into his rear, that the smoke of burning villages admonished him of the necessity of submission. Hortar obtained peace on the same terms as Suomar, with the additional imposition of supplying a certain quantity of timber and building materials for the restoration of the Roman cities on the Rhine, which had so long lain in ruins. This design, the establishment of magazines, and the restoring the navigation of the river after its long interruption, was Julian's employment in the winter 358-9; but, with the determination of bringing the whole Alemannic nation to submission, he despatched Harioband (*Amm. Marc.*, xviii. 2, 2), a barbarian, who spoke the German language, under the pretext of an embassy to Hortar, to fish out information as to the Alemannic Gaus beyond him. In his absence, the rebuilding of the fortresses was diligently pushed on, and seven towns, *Castra Herculis*, *Quadriburgium*, *Tricesimæ*, *Novesium*, *Autunnacum*, *Bonna*, *Bingio* (of the three first no remains are known, the four latter still exist, as *Neus*, *Andernach*, *Bonn*, and *Bingen*), are enumerated as rising from their ashes. (*Amm. Marc.*, xviii. 2; *Liban. in Orat. Pur.*, xl.) Of the fifty castles of Drusus on the left bank of the Rhine, of the forts of Tiberius and Germanicus on the right, these are all which even the vigour of Julian could restore. Even the permanent bridges had long been broken up, and, with respect to the *Agri Decumates*, they now constituted the Gaus of Suomar, Hortar, Vadomar, and the other Adelings who appear in the history of this period.

Harioband, having accomplished the object of his mission, returned to Julian, and the Roman army, in the summer of 359, was again drawn together at Mainz. The lieutenants of Julian proposed to pass over the bridge at once into the Alemannic territory, but this was resisted by the Cæsar, on the ground of his unwillingness to damage the land of an ally. There must have been, however, other and secret reasons, for the Alemanni, caring little for Suomar's treaty, were assembled in great force, at the bridge foot, to oppose the passage of the Romans, and Julian moved up along the course of the Rhine, in the direction of Oppenheim and Worms, in the hope of ridding himself of the presence of the enemy, and of finding the opportunity of laying down a new bridge. But the Alemanni dodged him though the Gau of Suomar in Darmstadt to that of Hortar in the Pfalz; wherever he encamped they lay opposite; no sooner did he halt than the Alemanni appeared on the farther shore. Having come to the spot fixed upon in his own mind, Julian made preparations for an encamp-

ment, but while the Alemanni were deceived by his fires, he sent over in the night, in forty little boats, three hundred of his boldest soldiers, who gained safely in the darkness the opposite bank of the river. It chanced that Hortar, who, though he had made peace with the Romans, still lived on friendly terms with his neighbours, had been regaling a party of Chunings and Adelings, who, according to German wont, had prolonged their carousal until late in the night, and were taking horse to return to the Alemannic camp about the time the Roman detachment landed. The guests were fallen upon by the soldiers, and though they escaped by virtue of the fleetness of their horses, their attendants were slaughtered, (Amm. Marc., xviii. 22) and the cry "the Romans are landed" was so circulated in the barbarian camp, that the host broke up in a panic, every man hastening home to look after the concerns of his own Gau. The rencontre of the Romans with Hortar's friends is represented as accidental, but when it is considered in connection with other circumstances it is scarcely possible to avoid the suspicion of treachery. The embassy to Hortar, the refusal of Julian to pass the bridge, so incomprehensible to his generals (they were not privy to the secret understanding with Hortar) out of unusual tenderness to an ally, the fact of a certain place being fixed upon beforehand for the passage of the army, (Amm. Marc. xviii. 2 9; ib. xviii. 2, 11) the presence of Hortar at that particular locality, the festival, the sending over so small a number of soldiers at the precise time, and to the exact place, bear treachery on their face, nor can the dispersion of the Alemannic army be ascribed to aught but their belief in treason. It is remarkable too that a 'Hortar,' an Alemannic primate, appears in 371 in the Roman service, and suffered death for supposed treason to Valentinian. It can hardly admit of doubt that this Hortar was Julian's ancient ally, who perhaps, with not unnatural remorse, thought to atone to his countrymen by betraying the projects of Valentinian. (Amm. Marc., xxix. 4, 7.)

All impediments being now removed, Julian passed over into the Gau of Hortar, prohibiting all plundering in the lands of his new friend, and proceeded onwards into more distant Alemannic Gaus, where such forbearance was thought unnecessary, until he came to a place called CAPELLATIUM or PALAS, where stood the boundary stones which marked the limits of the Alemanni and Burgundians. Here he pitched his camp, and here two Chünings of the Alemanni, Macrian and Harioband, or more properly Herbod, waited upon him to supplicate for peace. After some delay peace was conceded to them, but not so to Vadomar, who came soon afterwards, armed with letters from Constantius, to solicit the same favour for him-

self, Urius, Ursicinus, and Vestralp, and with such a recommendation calculated little upon the possibility of a rejection. His petition was refused. To the objection that his people, as well as those of Gundomar, had been at Strasburg, he alleged that it was without his consent; but Julian was inexorable, and the lands of Vadomar and his associates were given up to plunder without mercy, their harvests and dwellings burnt, and the people slain or carried off. After enough had been done in the way of punishment, Julian suffered himself to be moved by their repeated, and still more earnest supplications; conditions were prescribed, the chief of which was the restoration of the numerous Roman captives (Amm. Marc., xviii. 2, 14, 9) who were languishing in slavery; and, this being promised, the Alemannic war was ended.

Two subjects in the preceding narrative require remark: 1. The situation of the Palas, or Capellatium, where Julian established his camp in the summer and autumn of 359. 2. The letters (*Scripta*) of the Emperor Constantius said to have been brought by Vadomar to Julian.

1. Cluverius assumes that the Gau of Macrian, who, with his brother Adeling Herbod, were the first who visited Palas, was in Nassau; and from this assumption, and from the circumstance of the strife of the Burgundians and Alemanni about salt-springs, spoken of later by Marcellinus, places Palas at Salz in the Vogelsburg, near the source of the Franconian Saal. But there were many salt-springs besides those of the Saal, and the Macrian (Cluv. Germ. Ant., iii. 12, 149) here mentioned could not be the Adeling of the Nassau Gau; for he is said to have been astonished at the splendour of the Roman eagles and ensigns, of the armour and the soldiers, then seen for the first time (Amm. Marc., xviii. 2, 17; Mannert., iii. 295), a thing which could not have happened had he dwelt near the waters of Wiesbaden. Johannes Müller also places it at Ziegenhain, in the Cattian-wald, in Hesse (Scheiz., i. 79); but these writers seem to have lost sight of the fact that Julian did not cross the Rhine at Mainz into Nassau, but proceeded up the river, in order to lay his bridge, and effected his landing in the Gau of Hortar, which, beyond question, lay between the Main and the Neckar. Creuzer (*Alt-römische Cultur.*, xvi. 27), with greater probability, places Palas near Juxthausen, on the Juxt in the Hohenloheschen, where there are still salt works and considerable remains of Roman fortifications, an opinion corroborated by Mannert. (iii. 293.) If Julian crossed the river at Mannheim, or between Mannheim and Speyer, as Creuzer assumes, he would naturally, after traversing the plain, advance along the old Roman road by Epfenbach to Wimpfen, on the Neckar, and thence

to the Teufelsmauer, beyond which must be placed the boundary line of the Alemanni and Burgundians. In one point I dissent from Crenzer: the place of Julian's passage. It is clear he could not pass the Rhine above, but below Manheim, for he landed in the Gau of Hortar (Amm. Marc., xviii. 2, 14); but there would be no difficulty in summer in fording the Neckar, either at Heidelberg or Neckar Gemünde, and thus coming into the road by Epfenbach. And what could Julian do with the Alemanni in the Cattian-wald? His professed object was to humble the whole Alemannic confederacy, and his camp would be pitched, not on the verge, but in the centre of their country; and we see, in fact, that not only the Adelings of the vicinity attended him, but even those from the confines of Helvetia, a thing highly improbable had it been situated in Hesse. With respect to the singular words, Palas and Capellatium, both of which Cluverius takes to be the corruptions of the Latin *Palatium*, connecting them thus with the Palatinate, it must be considered that they are German appellations; and it would be as absurd to put Latin terms into the mouths of the Alemanni, as to look for the Palatinate in the fourth century in the vicinity of the Franconian Saal. Palas seems to be no other than the German Pfahl, English Pale, and may denote both a boundary (as in the English Pale in Ireland), and the old Roman fortification called Pfahlgraben, or vulgarly Palgraben, of which the most perfect remains may be seen about Juxthausen. I cannot account for Capellatium, except, as Ammianus intimates, both words have the same meaning, it cannot be a Roman corruption of Gepfählung (the prefix *Ge* denoting continuity)—the Paling. Gepfählung, pronounced in the Schwabish fashion, would certainly be transformed by a Latin into Capellatium.

2. It seems, at first sight, not a little singular, that a petty Alemannic Adeling, out of the Schwarz-wald, should bring letters from the Emperor Constantius to Julian, commanding him to deal favourably with him, on the ground that he had formerly, in the Rauraci, been admitted by the Emperor into the *Clientela* of the Roman people. (Amm. Marc., xviii. 2, 14.) But it is probable, notwithstanding the expression of the historian, that these were not new letters, but rather the old treaty of peace, by virtue of which Constantius had been delivered, in 354, out of the power of Vadomar and his brother, when he so rashly crossed the Rhine in the Rauraci—the treaty which, though written, had been ratified according to the rites of the barbarians. This is shewn by the fact that Vadomar was told the Scripta were null, inasmuch as Godomar's people, and many of his own, had since been with Chuodomar at Strasburg. Vadomar, by refraining from that expedition, thought

he had scrupulously observed the treaty, and appeared with the full consciousness of integrity in the Roman camp, not only on his own behalf, but as an intercessor for his brother Chünings, Ur, Urscin, and Vestralp, replying naturally to the accusations of Julian, that if any of his people were at Strasburg, they were there without his authority and consent. Marcellinus, indeed, celebrates the fidelity with which the Alemannic Chünings fulfilled the terms of the treaties into which they entered with Julian, and the same character for good faith is attributed to the Alemanni by Salvian, a priest of the fifth century, though he confirms the statements of the classical writers as to their intemperance, which, after all, was a reproach almost equally applicable to the Christians (Salvian. *de Gubern. Dei*, iv. 141); for the zealous Presbyter asks:—" *Numquid tam reprehensibilis ebrietas Alemanni quam Christiani?* "

The unfriendly intercourse of Julian and Vadomar was not finished by the peace of Palas; intrigues against Julian were set on foot amongst the Alemanni, by Constantius, in the following year, of which Vadomar became the victim. The bitter feeling of Constantius towards Julian, which should have now slept, was kept awake by the grateful malice of the courtiers, who jeered at the Cæsar as a hairy savage and an ape in purple, though, in calling him "*loquacem, et litterionem Græcum*," they hit his failing, for it cannot be denied that he was infected by the Sophists with the vice of the time; and, much as he did, he was still more a talker than a doer. When Julian, from his victories, could no longer be held up as an object of contempt, he was held up as an object of fear; and, in order to weaken the dangerous colleague, Constantius ventured, under the pretence of a Persian war, to recal out of the Gallic provinces four entire legions, and 300 picked men out of the remaining ones. The mandate was the cause of a mutiny, by which Julian, with real or affected reluctance, was raised by the soldiers to the dignity of Augustus; and it became necessary to contend in arms with Constantius for the empire. But, ere it came to open war, Julian endeavoured to effect a peaceful settlement, and during its progress led the troops, A.D. 360, to the lower Rhine (Amm. Marc. xx. 10), which he crossed at Xanthen, in order to fall upon the Attuarii, a Frank people, dwelling about the Lippe; which, secure in the Sauerland, laughed at the Roman power. Having brought them to submission, and inspected the Rhenish fortresses, from Xanthen to Augst, he returned to Vienne, to celebrate his Quinquennalia (Amm. Marc. xxi. 1, 7—12), where he busied himself in the attempt to divine the fate of Constantius by auguries, auspices, and dreams. Absorbed by these scientific pursuits, he was surprised by the intelligence that Alemanni,

out of the Gau of Vandomar, had crossed the Rhine, and had slain, near the town of Sanctio, (Seckingen, according to Cluverius; Besançon, according to Valesius; the latter most probable), a certain Count Libino, who had been sent against them. Though Vadomar himself was not implicated in this affray, the movement of the barbarians was ascribed, by Julian and his partizans, to the machinations of the agents of Constantius. Libanius, the orator, asserts that Constantius was playing his old game of inciting the Alemanni to fall upon the western provinces; and Julian himself asserts that letters were sent by the Emperor to the barbarian princes, exciting them against him. (Liban. in Orat. Parent., 52; Julian ad Athen., 286.) It seems, from Marcellinus, that a notary was actually intercepted, and letters from Vadomar to Constantius found on him; in which, however, the greatest offence was a complaint, amidst many professions of respect, that the Cæsar maintained no discipline among his soldiers. It was evident, notwithstanding, that a correspondence was going on between the Court and the Alemanni (for the latter had no notaries), and Julian determined to get Vadomar into his power by any means, considering him the most dangerous of the Alemannic Chünings. One Philagrius, a Notarius, afterwards Count of the East, was directed to inveigle Vadomar into the Roman boundary by an invitation to a feast, which Vadomar, suspecting nothing in a time of peace, accepted. He came, was arrested after the festival was over, and ultimately carried into Spain (Amm. Marc., xxi. 3), where he was detained until the reign of Valentinian and Valens; he does not appear to have returned again into his own country, but years afterwards his name appears with glory as a Roman captain in the distant provinces of the East. Julian followed up his treachery, by crossing the Rhine, and falling upon the Alemanni, who thought of nothing less than of such an assault; many were slain, many were taken, who would gladly have given up the booty they had taken as a satisfaction, and peace was granted to the remainder.

If an Alemannic version of this transaction were possible! As it is, it is only from admissions in the Roman statement that we can approach the truth; and there are some which contribute little to Julian's reputation. The kidnapping of Vadomar can only be excused by the certain knowledge that he was a secret agitator, and what are the proofs of his criminality? There was nothing in his letter to Constantius to warrant such a presumption; it was merely a complaint of the license of the Roman troops: "*Cæsar tuus*, it says, *disciplinam non habet*," written apparently in the hope of redress. He came to Philagrius *ut nihil in profunda metu*

pace, (Ann. Marc. xxi. 4, 8) and duplicity has never been a feature of the Suabian character. It is said that his people had been present at the death of Libino, and that they had robbed the Roman provinces. The charge is easily manufactured, but if it were so, it was no crime of Vadomar's, for the German Wehrmen were not responsible to their Adelings for their forays; but the fact itself is doubtful, and the expression, *nihil metuentes hujusmodi*, (Amm. Marc. xxi. 4, 8) does not look like a consciousness of guilt. The truth admitted by Marcellinus, is, that Julian looked upon Vadomar as the adherent of his adversary, and feared him as a man capable, in his absence, of raising a storm in the provinces; (Amm. Marc., xxi. 4, 1; ib. xxi. 4, 6; xxi. 3, 5; xxvi. 8, 2; xxix. 1, 2) consulting his apprehensions rather than his sense of justice, he resolved to trepan him into his power and to break down the power of the Alemanni before his departure to the East, which was now on the point of taking place; but with such a remembrance of Roman friendship, the peace that was made was not likely to be of any long duration. Julian, indeed, was a second-hand hero and philosopher; his highest aim was imitation, his virtue only to talk about; it is not surprising, therefore, that he was not proof against the temptation of expediency—that he had not the courage to be just. As he quitted Germany in the following summer, his only future connection with Alemannic history was his march through the Martinian-Wald. He had declared war against Constantius at Augst, in A.D. 361, and directing his army by Rætia towards Pannonia, (Amm. xxi. 5, 8, 9) he himself passed with a chosen escort, through the southern part of the Alemannic territory, probably by Seckingen, Dengen, Tutlingen and Rain to Regensburg, where the Danube becomes navigable.

Three years more passed away, and Constantius, Julian, and his successor, Jovian, were in their graves. A Pannonian, Valentinian, was raised, 26 Feb. A.D. 364, to the imperial throne, who proceeding, after having divided the Empire with his brother Valens, to Milan in order to undertake the consulship for the year 365 was hastily called into Gaul by an irruption of the Alemanni, who incensed by the discontinuance of their customary subsidy by the pride or parsimony of Valentinian, and the contempt with which the ambassadors sent to receive it had been treated by the Magister Officiorum, held themselves absolved from the obligation of a longer peace. This admission betrays the means by which peace had been secured. The barbarians were paid to be quiet, and continued quiet so long as they received the money; but when payment was withheld, they reverted to their old activity. It is probable that they retired on the approach of Valentinian, but the

following winter (A. D. 365-6) was one of remarkable severity; the Rhine was frozen, and a numerous horde of them, in the early part of January 366, crossed the ice, apparently between Strasburg and Basel, and wandered for a whole year about Gaul with their usual license. Toul fell into their hands; Charietto, the Count of both Germanies, was defeated and slain, but his successor Jovinus, the Master of the horse, routed a body of the Alemanni in the spring of 367, at Scarponna, a village near Pont à Mousson) on the Moselle; another host he surprised on the banks of a river, probably the same Moselle (or perhaps the Maas) some carousing, some bathing, others dressing their hair after the Suevic fashion; (Amm. Marc., xxvii. 2, 2) his approach being concealed by the density of the forest, he fell upon them before they could take to their weapons, and utterly routed them; but the third body awaited the approach of the Romans near Chalons sur Marne, and fought for a winter's day with such obstinacy, that they did not give way until 6,000 of them were slain, and 4,000 of them, chiefly wounded, among whom was the king, were made prisoners. The king was hanged upon a gallows by the Ascarii, though certainly to the displeasure of Jovinus, who regarded, however, not the murder, but the breach of discipline. This battle, in which the loss of the Romans amounted to twelve hundred slain and two hundred wounded, must have taken place late in the year, inasmuch as the historian speaks of the sufferings of the wounded from the severity of the cold. (Amm. Marc., xxvii. 1, 1 and 2.) The operations of Jovinus, which seem consecutive, must have taken up the whole of the summer. Jovinus did not pursue, but returned to Paris, leaving the eastern part of Gaul in the possession of the defeated enemy.

The ravages of the Alemanni were now prosecuted with such audacity, that Valentinian found it necessary to march in person against them, but while he was organising a suitable force, he was enraged by the intelligence that Mainz itself, in which there was for the moment little or no garrison, had been surprised by one Rando, an Alemannic Adeling, as the people were celebrating a festival in the church, and much plunder and many captives, of both sexes, carried off. The soul of the Alemannic confederacy was the Chünung Vithicab, the son of the Vadomar, whom Julian had entrapped, a man of sickly and feeble body, but of a mind so daring as to be a terror to the Romans. This man, embittered probably by the treachery practised upon his father, was at the bottom of the plans of the Alemanni for harassing the Gallic territory, and Valentinian saw no way of ridding himself of his animosity but that of bribing one of his servants to murder hi--

The scheme succeeded; Vithicab was assassinated, and the murderer escaped to the Roman court. No particular exploits of Vithicab are on record; in history the fact of his assassination by a Roman emperor is his highest glory; his removal seems to have been thought necessary in order to render safe the operations of Valentinian. (Amm. Marc., xxvii. 10, 1—3.)

As soon as the news of Vithicab's death was brought by the assassin to Valentinian, and all apprehension of a diversion in the south removed, Sebastian, who lay with the Illyrian and Italian troops on the Rauracan border, received orders to march northwards and join the emperor, who appears, as must be inferred from subsequent circumstances, to have concentrated his troops a little above Mainz. The army being united, Valentinian crossed the Rhine about the beginning of August, in three divisions, and advanced, having with him his son Gratian, in the direction of the Odenwald. The Alemanni, sensible of the hopelessness of resistance, retired into the forest, their crops and houses were given to the flames, only the ripe corn was carefully collected and carried off for the support of the army. After some days' occupation of this nature, the divisions united in the neighbourhood of Solicinium, near which place, on a mountain almost inaccessible except on the northern side, a body of the Alemanni were found posted. Notwithstanding the apparent difficulty of the position, Valentinian determined to dislodge them. Directing Sebastian to make a circuit in order to reach the accessible side of the mountain, and leaving Gratian, who, only ten years old, was yet too young for military labours, with the Jovian legions to guard the camp, he undertook the main assault himself; but riding with a slender escort to make a personal reconnaissance, he was nearly surprised in the forest by an ambush of Alemanni; and though he escaped by urging his horse through a marsh, his helmet-bearer and his helm adorned with gold and jewels were never seen again. Valentinian's attack was successful; the Alemanni, taken on the other side by Sebastian, fled after an obstinate resistance, and sought safety in the forest. (Amm. Marc., xxvii. 10, 5, 16.) The loss of the Romans was probably not trifling, for Valentinian did not follow up his victory, but returned to Treves to celebrate his own and his son's glory by splendid games, of which Ansonius, who was the tutor of the young Gratian, was a spectator and the poet.

There is nothing in the historian to indicate the theatre of these operations beyond the fact of the passage of the Rhine and the mention of the town Solicinium; and, as the site of this place is utterly unknown, much and great diversity of opinion respecting it has arisen among critics, some placing it between the Main and the

Neckar, others in Suabia; Rhenanus, Cluverius, and Luden, taking Solicinium for Sulz, a town on the left bank of the upper Neckar, at no great distance from its source on the eastern verge of the Schwarz-wald, place the campaign in Württemberg; Gibbon also, who, conscious of insufficient knowledge, usually conceals his ignorance of German subjects in generalities, loosely remarks that the mountain was in Württemberg; mistaking, moreover, Solicinium for a mountain, whereas the mountain and the Alemanni were seen afar from the place called Solicinium. The poet Ausonius, who was present in the camp, contributes the additional particulars that the Alemanni were driven beyond the Neckar and Lupodunum:

"Nec præmia in undis
Sola, sed Augustæ veniens quod mænibus urbis
Spectavit junctos natiq[ue] patrisq[ue] triumphos
Hostibus exactis Nicrum super et Lupodunum,
Et fontem Latius ignotum annalibus Istri."

(MOSELL, 420.)

But the last line has exasperated the controversy, and Cluverius and others, taking it as a support of their view, maintain that Lupodunum is Lupfen, a castle in the Schwarzwald, about seven miles from the source of the Danube. On the contrary, Creuzer (*Alt-römisch Cultur*, xxxiii. 34, 90), following Marquard Freher and Bucherius, places Solicinium at Sulzbach, near Weinheim, on the Bergstrasse, and asserts that Lupodunum is Ladenburg, a small, but very ancient walled town, on the right bank of the lower Neckar, between Heidelberg and Manheim. I have no hesitation in affirming the correctness of Creuzer's view. Marcellinus does not mention the point at which Valentinian crossed the Rhine, or no dispute could have arisen; but even this particular may be inferred from other sources. It appears, from the Theodosian Code, that Valentinian held his court from January to June in 368, at Treves; and that, on the last day of July, he was at Worms (*Gothoped. Chron. Cod. Theod. ad ann. 368*); and if the passage took place at, or near to Worms, the scene of the campaign must have been betwixt the Rhine and the Odenwald, a district to which the description of the historian is strictly applicable. Not to insist upon the difficulty and danger of large military operations in the wilds of the Schwarzwald, it is clear that, from the narrative, that the Roman army was in the midst of villages and harvests (*Amm. Marc.*, xxvii. 10, 7), comforts of life not to be found at all at that period, and thinly now, in that bleak and dreary district; that the inhabitants fled from a plain to the mountains; that it was a plain which the Romans ravished li-

their progress was stopped by the mountain near Solicinium. All this applies strictly to the Rheinthal and the wall of the Odenwald, but not to the locality of Sulz; for in the Schwarzwald the highest ground is on the west, and it is a descent to Sulz. Moreover, Lupodunum could not be placed close to the sources of the Danube, or what becomes of the *fontem Latiis ignotum annalibus Istri*? That it was Ladenburg may be presumed from the circumstance that Ladenburg is rich in Roman antiquities, and, therefore, was a Roman town; but still more certainly from the fact of its having preserved the form of its name in the annals and charters of the middle ages, in which it was written Labodunum, Lopoduna, Lobedunberg, Lobdenburg, Laudenburg. One quotation from the writings of the middle ages will place the identity of Labodunum and Ladenburg beyond doubt. In the "Francorum Annales anonymi" of Pitheus is this passage: A.D. 827, 15 *Kal. Feb. Vesperis terræmotus apud S. Nazarium, et in Wormacence, et in Spireuse, et Lobodunense factus est*. Now, St. Nazarius is the Abbey of Lorsch, at no great distance from Ladenburg; and the earthquake extended from Lorsch to the contiguous Ladenburg-gau, and into the Spirach-gau and Worms.

In the succeeding summer, Valentinian is said to have restored the fortresses on the Gallic bank of the Rhine, and to have planted castles and towers at convenient distances along the river from the Rhetian border to the ocean. The expression is too magnificent to be taken in its literal sense; but we find, in fact, an edict of Valentinian, dated in 369, from Alta Ripa, an ancient fort of Drusus, now a miserable hamlet, Altrip (Gothoped. ad ann. ccclxix), a little above Mannheim; and another from Breisach, which at that time was on the left bank of the Rhine; Mannheim also owes its foundation to Valentinian. Thinking it would conduce to the safety of the Roman fortresses in the valley of the Neckar (Symm. Laud. in Valent., ii.), Ladenburg and Mannheim, he resolved to fortify Mount Piri, a lofty berg, now called the Heiligenberg, opposite to the present Heidelberg, forming the south-west angle of the Odenwald, and commanding the Rheinthal from Speyer to Worms. The task was entrusted to one Syagrius, a notary, afterwards consul, and a chosen detachment of soldiers. Mount Piri was an Alemannic fastness, and the Alemannic elders, whose sons were hostages with the Romans, represented that they held fortresses to be dangerous to their freedom, and begged Syagrius to desist. No regard being had to these remonstrances, the Alemanni fell upon the Roman soldiers, slaughtered them to a man; Syagrius returned alone to his angry master (Amm. Marc., xxviii. 2, 9), and thought himself fortunate in being punished only by dismissal.

To the savage mind of Valentinian the whole Alemannic nation was now become hateful, and he resolved to extirpate it entirely; but, weakened by the necessity of detaching a part of his force to the coast to repress an invasion of the Saxons, of which little is known beyond the fact that they were treacherously murdered after a treaty by Valentinian's lieutenant, he resolved to call in the aid of the Burgundians who were settled on the Alemannic border. (Amm. Marc., xxviii. 2, 1—9; and v. 1—8.)

The Burgundians are first spoken of by Plinius, who enumerates them among the Vindili; they were, consequently, of the Gothic family. It is not improbable that Strabo meant the same people by the term *Μουγλωνας*. Ptolomæus, the confounder of German geography, speaks of a Sarmatian tribe, *φρουγουνδωνες*, whom he places beyond the Vistula, and on the western side of the same river, of *Βουργουνται*, *Βουτουνται*, all of which uncouth terms may relate to the Burgundians. Marcellinus calls them Burgundi, and Burgundri, Zosimus *Βούργονδοι*: by Agathius, who makes them a Hunnish nation, they are named *Βουργουνδοι*: and Procopius confers on them the appellation of *Βουργουνξιωνες*: such is the uncertainty and the obscurity of classical etymology. Various explanations of the word Burgundian, too puerile to repeat, have been offered by various writers, from Orosius (vii. 32) downwards; there is, however, a glimpse of light in Paul Warnefrid, who calls their country the "*Wurgondaib*," and this, if the "*Wurgunder*" be the true name of the people, guides us to the root "*Wurgen*," which would give the sense of killers, slaughterers—a sense not far removed from that of Gothi, Chatti, and Hermiones. Whatever be the derivation of their name, the Haib, or possession, of this people lay, in the earliest times of their history, in the southern part of west Prussia, in what is called the New-mark, between the Oder and the Vistula, in the midst of Gothi, Semnones, Carini, Lygii, and Burii. They appear to have migrated from this district, in consequence of having been worsted in a war with some of the neighbouring Goths. Jornandes (xvii.; Mamert., ii. 17) ascribes it to a defeat by the Gepidæ. Mamertinus (Zosim., i. 67; Mamert. i. 4, 5) speaks of the almost total annihilation of the Burgundians by the Goths; but little reliance can be placed upon the traditions of one, or the oratory of the other. In the reign of Probus, and again in the time of Dioclesian, they are spoken of, with Vandals and Alemanni, as troubling the western provinces; and they appear, since that period, settled on the north-east boundaries of the Alemanni. Cluverius places them in the Chattian land (Germ. Ant., iii. 149), about Marburg and Cassel; but of their southern boundary stone, Palas, were near Juxthausen, they must be placed

in Franconia, about Würzburg, in a portion of the country of the Hermanduri, which was probably thinned by frequent wanderings into Rætia and the neighbouring provinces. Two facts seem indisputable respecting their position in the time of Valentinian. 1. That they dwelt on the Main, on the borders of the Chatti, Alemanni, and Hermanduri. 2. That Alemannic tribes interposed betwixt them and the Rhine. They are described by Marcellinus as a very numerous people, extremely warlike, divided, like other Germans, into many tribes, and having many Adelings, but united, at least in time of war, under one general king, called Hendinos, whom, as they elected him, they set aside with little scruple, in case of the loss of a battle; or even should an unproductive harvest lead to the belief that he was unlucky. (Amm. Marc., xxviii. 5, 9, 14.) There was also among them a spiritual chief; a *Sinist*, whose office was perpetual, and who, unlike the Hendinos, was subject to no law. There is, however, no trace of such an office to be found among any other German people, nor are the terms themselves, *Sinist* and *Hendinos*, found in the Burgundian law. *Hendinos* seems, the H being a guttural consonant, to be no other than the Gothic *Kindins*, a word used in the Codex Argenteus to designate a governor. (In St. Matthew's Gospel, Chap. xxvii., it is a title twice applied to Pilate, 2 and 15). It refers, therefore, to race, family, *Chuni*, and is almost synonymous with the German *Chüning* or King. *Sinist*, whatever be the fact of its application to the priesthood, means no more than an elder, being the Gothic *Sineigs*. It needs no other evidence than these words to prove the common origin of the Goths and the Burgundians.

Valentinian, who was probably aware of the Salt-feud between the Alemanni and the Burgundians, sent trusty persons to confer with the Adelings of the latter people; and they, flattered by the fancy that they were of Roman descent, agreed to co-operate with him in an invasion of the Alemannic territory. They despatched, A.D. 370, a host of their choicest warriors, said by some to amount to the enormous number of 80,000 men (it cannot, however, be too often repeated that no reliance is to be placed upon figures), which penetrated, without resistance, through the Alemannic territory to the Rhine, where they expected to meet Valentinian and his troops. But the emperor, either occupied by his building, or liking, on reflection, the Burgundians no better than the Alemanni, neglected to keep his day; and it is possible that he intended no more than to occupy the Alemanni, in order that he might complete his fortresses unmolested. After a short delay, the Burgundian chiefs sent messengers to the Roman commanders on the Rhine, to require support, that at least they might not be exposed, on their

return, to the assaults of the Alemanni; and their demands being evaded by pretences and procrastination, the Chünings, conceiving they had been made fools of by Valentinian, were exceedingly incensed against the Romans, and departed angrily into their own country, having first put to death the captives. (Amm. Marc., xxviii. 5.) It seems strange that, out of anger with the Romans, they should slaughter captives made from the Alemanni, since such an act would make an useless and unnecessary blood-feud between the two peoples; and the captives themselves would be valuable either as serfs or for ransom. Were the captives, instead of being Alemanni, *the trusty persons* sent by Valentinian to impose upon them, and left in the lurch by their employer? (Amm. Marc., xxviii. 5, 8.) The scene of these transactions must be placed in the valley of the Main, apparently on the Tannus side, inasmuch as Macrian is spoken of as being particularly obnoxious; and the Alemanni doubtless sought refuge in the forest. They were not, however, altogether idle. A body of them from the south, while Valentinian was occupied with the tribes of the north, crossed the Upper Rhine into Rætia and Helvetia, but were defeated by Theodosius, the master of the horse, and many prisoners made, who were sent into Italy, and settled as Tributarii on the fertile plains of the Po. (Amm. Marc., xxviii. 5, 15.)

Macrian was the particular object of Valentinian's hatred; he appears to have succeeded to the place in the emperor's mind which had formerly been filled by Vithicab. It is possible that Macrian, for he seems to have been an elderly man, was the same Macrian who, in Julian's day, was so astonished by the splendour of the camp at Palas, but, if so, we are unacquainted with the revolution which had transported him to the Gau of Suomar, betwixt the Lahn and the Main. Macrian, in the year 371, being infirm in health appears to have been living in Weisbaden for the benefit of the waters, and Valentinian threw a bridge over the Rhine, above Mainz, over which Severus, with a chosen body of soldiers, was sent in the hope of laying hold of him. Valentinian and Theodosius followed with a greater force; the strictest injunctions for silence were laid, orders for the suppression of every practice which might betray their approach were given; some miserable slave-dealers, whom they fell in with, were unscrupulously put to death to prevent the possibility of intelligence, but the nature of the Roman soldiers was not to be changed even by the ferocity of Valentinian, and the smoke of burning houses and villages betrayed, prematurely, who was in the neighbourhood. Macrian was hastily placed by trusty friends in a light waggon, and carried, by difficult paths, into the Taunus mountains. Valen-

tinian gnashed with his teeth like a lion (Amm. Marc., xxix. 4, 7) at the escape of his prey, burnt and wasted the country far around, and in order to break the power of Macrian made one Fraomar, an Adeling of the Bucinobantes, an Alemannic tribe, said to have dwelt opposite to Mainz, chief of the Gau in the vicinity of the Rhine. But Fraomar found his new territory a desert; he had no subjects, and derived no revenue; he resigned, therefore, an office which was not a livelihood, and was made Tribune of the Alemannic legion in Britain. Hortar and Bitherid, Adelings of the same nation, succeeded him in his command in Nassau, but Hortar, being accused of secret correspondence with Macrian, was compelled by torture, to admit its truth, and was burnt alive (Amm. xxix. 3) by order of Valentinian. In 372 Valentinian ravaged the southern part of the Alemannic land, and founded Basel, opposite to Robur, when events among the Quadi made his presence on the Danube necessary, and induced him to make peace with Macrian; they met near Mainz, and a treaty of peace, of which the conditions are unknown, was ratified. Marcellinus lauds the fidelity with which Macrian observed the terms of the agreement, and the services he rendered to the Romans, (Amm. Marc., xxx. 3) but as the Alemanni could not remain still, they soon quarrelled with the Franks, and Macrian himself fell sometime afterwards in battle with Mallobund, a Frank Chuning, upon whose lands he had made a foray.

In February A. D. 378, the Lentienses, an Alemannic tribe, dwelling on the borders of Rhætia, made themselves a way over the frozen Rhine into Gaul, and were soon joined by their countrymen of the adjoining Gaus, among whom the report of the greater part of the Roman force having been marched into Illyria was general, till their numbers amounted to 40,000 men. (Amm. Marc., xxxi. 10, 5.) Gratian hastily recalled the cohorts which were within reach, and committing the charge of the army to Nannienus and Malloband the Frank Adeling, who then held the post of Count of the Domestics, they came up with the Alemannic host near Colmar, defeated and drove them over the Rhine. Gratian, then an ardent youth of eighteen, thinking to exterminate the Lentienses before he departed for the east, crossed the Rhine in pursuit of them, but they retired into the pathless wilds of the Schwarzwald, and defended, with obstinacy and success, the property which they had secured in those natural fortifications. After many attempts to dislodge them Gratian found it expedient to make peace with them, and they were permitted to retire without molestation to their native Lentium, thought by Cluverius to be Leitz near Frieding, on the Upper Danube, on the condition of fur-

nishing a number of young men for the Roman service. (Amm. Marc., xxxi. 10.)

From this time there is nothing, for a long series of years, to remark in Alemannic history, for the simple reason that all they sought was given up to them. With them the war with Rome was over. In the same manner as they had possessed themselves of the Agri Decumates, do they appear to have spread over Alsace. Frequently defeated by the Roman armies, their armed hosts were driven sometimes again over the Rhine, but there was always a portion of settlers left upon the land, many of whom had dwelt there before the times of Julian, and their numbers were continually increased by new immigrations, nor was it long before the garrisons of Valentinian were withdrawn altogether from the Rhine by Actius in order to make head against a nearer foe, and the Alemanni, though many barbarous nations, as Vandals, Sueves and others, passed through them on their journey onwards, continued in uninterrupted and undisputed possession, with the exception of the temporary settlement of the Burgundians about Worms, of the Gallic bank of the Rhine from Basel to the Ahr, and it is probable that the Gallic Alemanni occupying Alsace and Lorraine conformed more than their brethren to Roman life and Roman habits of civilization. In Helvetia all the land northward of the Wechtland, all which lay to the right of the Aar as far southward as St. Gothard, was theirs; in Rætia they are found as far as the Italian boundary; in Germany they possessed their native Suabia. In this wide and mountainous range they continued their pastoral and warlike life, herdsmen in the Alps and warriors in the field; and when the plundering of neighbouring confines was checked on the west by Burgundians and Visigoths, and on the south by the vigorous hand of the great Theoderich, who acquired a general, though undefined, supremacy over the Alemannic tribes of Rætia, there was still no want of native feuds, of tribe or of individual Wehrman, to animate and exercise the warlike spirit which among the Germans was the boast and glory of life. They thus lived, divided into many tribes, in a boisterous though obscure independence; but the might of the nation, which had been humbled by the Ostrogoths, was broken by the conquest of the Alemanni of Alsace by the Franks in 497, and in another generation the whole Alemannic people, circumscribed on all sides by their superior might passed, by degrees into the condition of Frank tributaries.

CHAPTER II.

The Goths.

THE GOTHs, the Gothones of Tacitus, the Guttones of Plinius, are enumerated by the latter author among the Vandalic portion of the German people, and are placed by him upon the shores of the Baltic, along an estuary called Mentonomon, which appears to be that extending from Dantzic to Königsburg, about the mouth of the Vistula. Strabo speaks of *Bóvroues* in nearly the same vicinity, who are supposed by commentators to have been *Γόυroues*. There are, notwithstanding, names still to be found upon the ground, as Budow, Bütow, Budzim, Budgosc, Putzig, and the Putziger Wieck, which seem to point to a derivation from the old *Bóvroues*. It is far from improbable that the Butones may have been a tribe or subdivision of the Gothic nation. By Tacitus the Gothones are described as a tribe dwelling on the Lygii; it may be assumed, therefore, that they dwelt in the nether part of the kingdom of Poland, on both banks of the Vistula, extending northward along the Baltic as far as the rivers Seba and Lupou, and easterly to the extremity of the amber-rich shores of the Frische-Haff and Königsburg. Of their origin nothing can be said with certainty. By the Greeks and Romans they are often confounded with Getæ and Scythæ, neither of which peoples were of Germanic race; a mistake to be ascribed as much to their easterly position as the resemblance of name; but of their original birthplace and family they know nothing. Jornandes brings them out of Scanzia, an island of the northern sea, opposite to the Vistula, whence, with three ships, under their king Beug, they came to the land of the Ulmigerians; thence he leads them through the Scythians to the Pontic Sea, where Zeutas, Dicensæus, and Zamolxis, ruled over them. Afterwards they beat the Egyptians at Phasis, and subjected

the whole of Asia; the Parthians were a branch of them; Mars was a Goth. The Amazons were Gothic women, by whom, in a warlike expedition, the temple of Ephesus was erected. Hercules and Theseus fought against them; Darius and Xerxes were defeated by them; in Sylla's days they ravaged Germany; Cæsar could not conquer them; Tiberius took care to let them alone. After this time they settled in ancient Dacia, in peace with Rome; but their king, Dörpaneus, fearing the ambition of Domitian, anticipated it by an attack upon the Roman territory of the Danube, defeated the Romans, captured many cities and much booty, and annihilated Fuscus and his army, which had been sent by Domitian against them. And now, having been everywhere victorious, they conferred on their chief warriors the title of *ANSES*, which means demi-gods. Thus it is that the Gothic Bishop of Ravenna rambles. (Jornand.; i. 13.) Whatever fable of glory he could fasten upon, whether out of Cassiodorus or from ancient school recollections, he unscrupulously uses to enhance the glory of his countrymen, weaving a singular web of motley materials; but not a sentence of his work throws the smallest light upon the traditional times of Gothic history. Yet, useless for historical investigation as this farrago is, and notwithstanding the credulity of the author, Jornandes must be prized as the representative of his nation. His accounts of the events of historical times, in which the Goths were implicated, are often vivid; often supply and explain the deficiencies of classical writers; and his pictures of Gothic life and habits are, above all, valuable, as proceeding from a Gothic historian.

The name of the Goths is as uncertain as their origin. Some, as Salmasius, take Gothi, Getæ, and Scythæ, to be the same word; others, as Jornandes, consider Gothi as synonymous with Getæ. Spellman derives Gothi, Goti, Getæ, Jutæ, Jutones, as well as the Anglo-Saxon Geatas, from the Gothic Jaet, a giant (pl. Jotun). Corn. Agrippa intimates that the Goths called themselves after their chief deity, an opinion shared by Luther; while Grotius satisfies himself with the humbler adjective *Goten*—good, in reference to Gothic hospitality. Perhaps, literally, the latter authorities in deriving Goth from good and God, are not far from the truth; but I cannot help suspecting that they have committed a great error in the sense, for even these words are to be traced to the old root Guth, Uth (Anglo-Saxon, Lud, Icelandic, Gupr), war, or rather the fury of battle, a root which supplied the chief divinity of the Goths with his most glorious name, Othin, Odin, or Wodan. It may startle us that the good, the fountain of goodness, should take his designation from a word denoting strife; but, in heroic times, good and divine had no other sense than destructive. The

divinity was to be feared for his might, not loved for his mercies ; and it is not surprising that when the progress of civilization, and, above all, the diffusion of the Gospel had introduced juster and nobler ideas of the divine nature, the word which originally indicated the power of the Almighty should in time be used to express his beneficence. It follows, therefore, that Goths, like Chatti, imply warriors. In the same manner as the Alemanni and Francic authors write God with a C—Cot ; so the same word which was written by the southern Germans Catten, would, among the northern, become Gothen, or Guthen. And the name Goths—warriors—would, above all others, be most grateful to a people whose delight and glory was in arms. Warrior is thus the most frequent of all early appellations, being found in Gothi, Chatti, Hermanduri, Hermiones, Marsi ; for in times when valour was the first of virtues, the brave and powerful were alone deemed worthy of honour ; and the hero was not only obeyed while living as a captain, but worshipped when dead as a god.

The Goths appear, for the first time, in the history of the Roman empire in the reigns of Marcus Aurelius or Commodus, or shortly after, when the Carpi, an inconsiderable tribe on the borders of Dacia, complained to Tullius Menophilus, the prefect of the province, that the Romans gave nothing to them, though they paid an annual subsidy to the Goths. Caracalla is said to have defeated the Goths in tumultuary onslaughts, and so gave occasion to the bitter pun of Helvetius Pertinax, who, when he proposed to assume the titles of Germanicus and Alemannicus, retorted, in allusion to the murder of Geta : "*Adde, si placet, etiam Geticus maximus.*" (Spart. in Carac., x.) From the time of Caracalla the name of Goth continued to spread till it was known from the Tanais to the borders of the Quadi, and from the Baltic to the Danube. The invasion of Dacia by the Romans would naturally unite the tribes of eastern and north-eastern Germany in a defensive league, as the Rhenish invasions had alone done those of the west ; and it is probable that the Goths were among the allies of the Dacians in their heroic resistance to Rome, though no name but that of Buri has been preserved by historians, and that they were first, by this circumstance, brought from the Vistula to the vicinity of the Danube. It is certain that many peoples appeared under the name of Goths on the immediate frontiers of the empire, who must have followed voluntarily, or under compulsion, the Gothic banners to the south. I doubt, however, whether any tribe of Goths ever existed. It seems more likely that Goth, like Sævi, Hermiones, and Franci, was the name of a confederacy, or of a great division of tribes, united by peculiarities of speech, and, therefore, of race, in-

stead of being the name of a single tribe: for Codanus is the name given by Plinius and Mela to the whole Baltei; and the Roman writers of the succeeding centuries continually confounded Goths and Scythians together. Besides the great divisions of Grauthinger and Thurvingi, and the later ones of Ostrogoths and Wisigoths, Taifali, Victofales, Roxolani, Heruli, Peusi, Buri, Sigipedes, and other uncouth names, are enumerated among the Goths; and Procopius, who was well acquainted with them, asserts that there was no distinction in form, manners, or speech, between Goths, Vandals, Alani, and Gepidæ. All these tribes were independent, had their own Adelings or judges, whose power, though greater than was usual in other German Gaus, was yet not so great as to interfere with public liberty (*Tac. Germ.*, xlii.); but in history, appearing as invaders, they often appear under the rule of a single Thuida, some of whom, as the King of the Ostrogoths, Wisigoths, and Vandals, were enabled, owing to the isolation of the nation of a foreign land, to found something like an hereditary monarchy.

Jornandes (*Jornand.*, xvi. 17) gives a genealogy of the famous race of the Amala, enumerating Gapt, Hamal, Angis, Amala, Isarna, Ostrogotha, who lived in the days of the Emperor Philip, and with Taifali, Astungi, Peucini, and Carpi crossed the Danube, laid siege to Marcianopolis, from which, being bought off, he turned his arms upon the Gepidæ, a kindred race, whose king Fastida had oppressed the Burgundians, also a Vandalic people. Under Cuiva, the successor of Ostrogotha, the Goths, A. D. 250, again crossed the Danube, passed the Thracian Hæmus, stormed Philipopolis, (*Jornand.* xxviii; *Zosim.* i. 38) and defeated, about December 251, in a decisive battle, near Forum Terebronii, in Moesia, the Emperor Decius, who with his son perished in a morass. Gallus, who succeeded Decius, made an ignominious peace with the Goths, who appear afterwards to have spread themselves along the Euxine towards Asia, and to have addicted themselves to sea adventures. About 258 they vexed the cities of the Pontic Sea, capturing Pithyus, Trapezunt, and extending as far as Chalcedon. In 267 the Heruli sailed with five hundred ships out of the Moestis into the Euxine in the hope of surprising Constantinople itself, and though they failed in this, they passed the Hellespont by the aid of a favourable wind, (*Jornand.* 19; *Zozim.* i. 31) plundered Cyzicus and the isles of the Archipelago as well as Attica, and Peloponnesus, and then retired through Bœotia and Epirus into Moesia, where they are said to have been beaten, but in reality were taken into Roman pay, and Heruli formed forthwith an important ingredient in the Roman army. It is not said what had become of their fleet. Shortly afterwards another armament

of Goths, they having built in the Niester a fleet, according to Pollio of 2,000, to Zosimus of 6,000 ships, also passed the Hellespont, and sailed towards Greece. At Mount Athos they separated into two bodies; part landed on the Macedonian Coast and attempted Thessalonica; the others sailed southwards towards Crete and Cyprus; but neither were very successful, except in plundering open places, and they too made their way by land into Moesia, where they were defeated, at Naissus, by the Gothic Claudius, (Zosim. i, 41; Pollio in Claud. vi. 9) the only one of the Roman emperors whose assumption of the title of Gothicus has been confirmed by posterity. Claudius's merits were great, but he did not undervalue his achievements: "We have destroyed, he writes to Brochus, 320,000 Goths, we have sunk 2,000 ships; the river is covered with shields, the shores with swords and lances, the plain with bones, and we have taken so many women, that two or three fall to the share of every soldier." (Pollio in Claud. viii.) The Roman writers, of this time, speak vaguely of victories so frequent and so murderous, as to lead to the supposition that the whole Gothic nation was blotted out: the Roman princes assumed the title of Gothic on medals and in inscriptions; Gothic women (Vopisc. in Aurel. xxxiv) who had fought among men were exhibited as amazons in their triumphs, but in the meantime their war was ever a defensive one, and the limits of their empire were continually contracting. We find an admission in Vopiscus that Aurelian, (Vopisc. in Dio. Aurel. xxxix.) one of the most warlike of the Cæsars, the same who exhibited Gothic women in his triumph, despaired of the defence of Dacia, and transported the settlers to repeople Illyria and Moesia, which had been laid waste by the Goths, as Helvetia and Gaul had been by the Alemanni. The Goths thereon took possession of Dacia, and thus fixed themselves permanently on the Danube, in contact with the Romans. It is a repetition of Alemannic history.

Another expressive sign of the growing weakness of the empire is the custom of paying annual subsidies (Jul. Capit. in Ant. Phil. xxi.) to the various tribes of Goths and other barbarians on the borders, which had prevailed from the times of Commodus and Alexander Severus. Aurelius, indeed, had set the example of giving money to the Germans; he however, had only hired one tribe to fight against another, but now it was not their swords which were purchased; they were paid to keep at peace. It is a precarious peace which is purchased by money. Every delay in payment is considered as an injustice, every denial is a legitimate ground of war. From the time of Claudius, who died in April, A.D. 270, at Sirmium, of a pestilence said to have been the conse-

quence of the Gothic slaughter, to that period of great words and little deeds, the reign of Constantine, there is little beyond an occasional medal with the inscription of "*Victoria Gothica*" to mark the relations of the Romans and the Goths; but this tranquillity was a subsidized tranquillity, for Constantine, on one occasion, is lauded by Eusebius for daring to withhold from the barbarians the tribute which had been so long paid by preceding emperors, and venturing to display against their insolence the standard of the Cross. (Euseb. in Vit. Const. iv. 5.) The subsidy withheld, the war was in consequence resumed. The Goths broke, in 322, into Moesia and Thrace, but the only known result is a medal with the usual formula "*Victoria Gothica*," and the institution of *Ludi Gothici*, which appear from the Calendar to have been held from the 4th to the 9th of February. In 328 he is reported to have built a stone bridge over the Danube; in 332 to have defeated the Goths in a bloody battle, and compelled Ararich, their king, to resign his son to him as an hostage; and Eusebius asserts that all Scythia, as far as the extreme north, divided as it was into names and nations of various but savage manners, was added by Constantine to the Roman empire. But these victories are unknown to Jornandes; Zosimus, whose testimony however must be received with caution, says expressly that Constantine had no war with the Goths, except that on one occasion he fled like a coward before 500 Taifali horsemen; Julian insinuates that it was gold, and not blood, which purchased the titles of *Debelloator Gentium Barbararum*; and Themistius, the orator, affirms that he bribed the Goths with a yearly tribute of gold, silver, corn, and clothing, and, moreover, was compelled to set up, behind the senate-house of Constantinople, a statue, still to be seen, in the orator's time, of a Gothic prince, the father of Athanarich, to appease and flatter the formidable friend. (Zosim. ii. 33; Jul. in Cæsar; Themist. Orat. x. 15). These latter writers are not unprejudiced witnesses, but they lived near the time, and facts must have been in their day still notorious; but what must be said of the greatest of English historians who has composed a magnificent detail of the Gothic wars of Constantine, upon the worthless authority of Constantine Porphyrogennetos? The true secret of the tranquillity which prevailed among the barbarians during the reign of Constantine, and for almost half a century after his death, was money. The Goths received their customary pay and entered largely into the Roman armies; Constantine gave liberally, and established by his generosity, according to Eutropius, a very grateful and pleasant reputation among the barbarians (Eutrop. x. 7), between whom and the Romans, though accidental and partial interruptions might

occur, a general good understanding prevailed until the time of Valens, when disputes, occasioned by intrinsic or external circumstances, arose, which proved fatal to that emperor.

With the Roman government there was a long tranquillity, but with the Germans an absolute tranquillity was impossible; and the arms which were no longer turned against the Romans were employed in internal wars, the memory of which is preserved only in the traditions of Jornandes. Geberich, he says, the son of Hilderich, the son of Ovida, the son of Oniva, brightened still more by his deeds the ancient glory of his race. He defeated the Vandals and their King Visumar, of the race of the Asdingi, on the river Marosch, whereupon the remnant of that people fled to Constantine, who assigned them Pannonia for an habitation; there they dwelt in obedience to the Romans for more than forty years, until they were invited, by the Patrician Stilicho, into Gaul. (Jornand. xxii.) Ermanarich, the "noblest of the Amala," who followed Geberich, is described by him as a Gothic Alexander. The Heruli of the lake Moccotis and their prince Alarich, the Antæ and the Wends, the amber-gathering Æstii, who dwelt far on the coasts of the east sea, Goths, Scythians, *Thiudos in Aunxis, Vasinabroncas, Merens, Mordensimnis, Caris, Rocas, Taðgans, Athual, Nanego, Bubegentas, Coldas*, in short, all the tribes of Scythia and Germany, are enumerated as acknowledging the supremacy of Ermanarich. This supremacy, however, was of an extremely loose and indefinite nature. Among some tribes of Scythians and Sarmatians it might only be an occasional victory, among others there might be subjection and tribute; but with the Goths, however they might honour the nobility of Ermanarich's descent, and his personal qualities, it amounted to little more than an occasional union in a military enterprise, and by no means interfered with the independence of the various tribes of which the Gothic confederacy was composed. These tribes appear, in the time of Ermanarich, under the broad division of east and west Goths, Ostrogoths and Wisigoths. They stretched along the north bank of the Danube from the borders of the Quadi to the mouth of the river, and thence along the Black Sea to the Tanais; the Wisigoths occupying the present Wallachia and Moldavia to the Dneister, the Ostrogoths the tract from the Dneister to the Don, beyond which river dwelt the Alans, and still more easterly the Huns. To the north of the Goths were various tribes united with their confederacy, as Roxolani; Heruli, Wends, and Æstii; on the north-east, about the banks of the Pruth, the Taifali, a Gothic tribe, touched the Sarmatians. The division of the Goths into east and west, which, apparently, has reference to their geographical position in the fourth century, and not to race,

is unknown to Marcellinus, though Austrogothi are spoken of by Trebellius Pollio, before the time of Constantine. (Pollio in Claud. vi.) The place of Ostrogoths and Wisigoths appears to be filled in the history of Marcellinus by Greuthingi and Thervingi, between which peoples the Dniester was also the boundary, though it is possible that these names might be the appellations of particular tribes of Wisigoths and Ostrogoths made temporarily conspicuous by circumstance. For while Goth is the name found in the earliest and latest Roman writers; and is the one acknowledged by themselves from the first to the last period of their history, the terms Greuthingi and Thervingi are found only in Marcellinus, except that Idatius speaks, on one occasion, of Greuthingi being subdued by Theodosius. The house of the Amala was the hereditary head of the Greuthingi or Ostrogoths, but the Wisigoths lived in complete independence under Adeling judges, apparently of different families, among which the Balthæ, in the emigration, acquired a predominance; in the time of Marcellinus, Athanaric was judge of the Thervingi. Ermanarich and the Amala are styled *Reges*; a title not commonly applied to Athanaric, nor does any king of the Balthæ race appear before the time of Alarich. And notwithstanding the greatness and reputation of Ermanarich, his son Hunnimund did not succeed him as Thiuda of the Ostrogothic union (Amm. Marc., xxxi. 3), but Vithimar was elected by the Greuthingi, and after his fall in battle with the Huns, Viderich, his son, a child, was raised on the shield, and Alatheus, Saphrax, and Farobius are named as princes of the Ostrogoths during his minority. Neither Vithimar nor Viderich are mentioned by Jornandes; but the former may perhaps be found in the Winithar, whom the Gothic historian describes as being slain by the Huns. Winithar was also of the Amala race, and the grandfather of the great Theodorich, while from Hunnimund, the son of Ermanarich, who with a tribe of Ostrogoths became tributary to the Huns, was descended the Eutharich Cillaca, whom Theodorich selected as the husband of his unfortunate daughter, Amalasuintha. At the period of Ermanarich's reign over the Ostrogoths, Athanaric enjoyed the highest reputation among the Wisigoths. Marcellinus calls him the *doctus Thervingorum iudex* (Amm. Marc., xxxi. 3, 4); according to Themistius, he despised the title of king, calling himself *πρόεδρος τῶν Σκυθῶν*. (Themist. Orat. x.) Historians, fond of adapting all to the ideas of their own times, speak of a king of the Ostrogoths, and a king of the Wisigoths, but the general royalties were of later date; among the Goths there were many Adelings and Chunings, as among other German tribes, but no *Reges*. The Balthæ were not yet.

There is so little in common between the histories of Marcellinus and Jornandes, that it might be supposed that they were treating of different times and peoples. Ermanarich, the hero of Jornandes, occupies a secondary place in Marcellinus, while Jornandes knows little of the Athanarich who is so celebrated by the Roman writers. The explanation of the discrepancy is that the Ostrogoths and their Italian kingdom were the chief objects of the worship of the Gothic monk; while the Wisigoths, dwelling in the time of Marcellinus upon the Danube, were in immediate contact with the Romans, the Ostrogoths were remote. The chief dealings of the Romans of that period were with the Wisigoths, though, doubtless, the Roman subsidies extended far wider, and the first dispute of the Roman government appears to have been with them. It arose from the following circumstance.

The Wisigoths were attached by ties of gratitude and long friendship to the house of Constantine. Their ideas of hereditary right, loose as to person and the order of succession, were very precise as to family; they could not understand why it was that a Pannonian should sit on the throne of their benefactor; and when Procopius, one of the Flavian family, declared himself, in 365, emperor, in opposition to Valentinian and Valens, three thousand Wisigoths marched to his assistance. Procopius had fallen ere the voluntary aid reached him; and the Wisigoths, compelled to lay down their arms, were separated and dispersed in various parts of the empire. The Wisigoths were at that time governed by their Judge or Adeling, Athanarich, the son of the man to whose honour a statue had been erected in the imperial city by Constantine. Athanarich demanded of Valens the restitution of the captive Wisigoths, alleging, as an excuse for their hostile march, the old alliance, and the obligation of the Wisigoths to the Flavian race, urging that the fault, if fault it were, was venial; and offering, as the cause of the house of Constantine was irrevocably lost, to continue upon friendly terms with the Roman government. Valens rejected (Amm. Marc., xxvii. 5, 2), in his pride, the propositions of Athanarich; and, far from giving up the captured Goths, resolved to punish the whole Gothic nation by a war, which was carried on for three years with little advantage to the Romans. In the spring of 367 he encamped by Daphne, a fort founded by Constantine as a defence against the Goths; threw a bridge across the Danube, and passed over; but the Goths retired into the hills, and the emperor, after burning some villages, and surprising a few stray barbarians, returned. In the following year he was restrained from repeating his invasion by the remarkable height of the water during the whole summer; but in 369 he was enabled, at Novidunum

(Amm. Marc., xxvii. 5), again to cross the river, and marched some days' journey into Dacia, where Athanarich, who this time ventured to meet him in the field, was defeated. A treaty of peace ensued, perhaps more to be ascribed to the discontinuance of Roman subsidies than to this mishap, inasmuch as it was not concluded on the field of battle, but on the Danube, Valens crossing over to the Gothic shore to negotiate; he had, therefore, retreated after his victory, and placed the Danube between himself and the defeated enemy. In these few words is the kernel of the splendid fiction of Gibbon. Careless, or ignorant, of the primitive habits of the Germans, which permitted no general ruler except for a special object, drawing all his ideas of public policy from Rome, and relying implicitly upon the magniloquence of Roman sophists, he has on this occasion given the rein to his fertile fancy. Ermanarich is pictured as the mighty and absolute autocrat of Scythia; Athanarich is made one of his ministers or slaves. The Wisigoths are only an unimportant portion of the Ostrogothic realm; and the defence of the Danubian border is *entrusted* by the great king to Athanarich. The number of Gothic captives is swelled from three to thirty thousand, and the Emperor of the East and the servant of Ermanarich, each attended by an equal number of armed followers, advance, in their respective barges, into the middle of the stream. Carried away by his admiration of Roman greatness, the historian forgets to enquire how it was that the Roman Emperor (Gibbon, Dec. and Fall, c. 35; Jornand. xxiv.; Isid. in Chron. Goth. Er., cccvii.), after a victory upon Gothic ground, many days' march distant from the Danube, should again find himself on the Roman side of the river, and *the bridge broken up*! Had circumstances been so prosperous for Rome, Athanarich must have repaired, a suppliant, to the Roman camp, not have met Valens as an equal in the middle of the Danube. And Ammianus, indeed, in another place, lets slip that Athanarich compelled the emperor *firmare pacem in medio flumine*. (Amm. Marc., xxxi. 4, 12.) But even this proud equality is beyond the truth. Themistius, the orator, who was a spectator of the interview of Valens and Athanarich, has some curious though inadvertent admissions. After comparing Valens on the Danube to Achilles in the Scamander, he proceeds: "Howling and lamenting, Athanarich and the Gothic princes stood upon the margin of the Danube, and implored peace. The emperor crossed over in his ships to the farther shore, with a friendly and cheerful countenance, and the river, so terrible in military operations, shone like a smooth river in this embassy of peace. The emperor, nevertheless, would not quit his ship, and was exposed from morning until evening to the burning sun; for the negotiations took the whole day for their completion. But the imperial eloquence overcame all obstacles ;

impressed the barbarians as Pericles's did the Athenians; and Athanarich, a man whose wisdom and prudence were as celebrated as his valour, a man, indeed, only a barbarian in language, seemed, with his miserable attempts in discussion, an idiot, and ridiculous in comparison with the Cæsar. This granted the peace, the king of the barbarians received it; this shewed them that, indeed, he desired peace; but it was for their sakes only that he desired it." (Orat. x.) Can anything more humiliating than this picture be conceived? The Emperor of the East exposed for a whole summer's day to the burning sun, endeavouring to remove obstacles, and exhausting his eloquence in persuading the Goths to terms, while those barbarians sat calmly on the shore and listened! It was not thus that Cæsar and Drusus granted peace to barbarians.

The friendship which had subsisted for more than half a century between the Wisigoths and the Roman Empire was in this manner restored. The long intercourse of the two peoples had undoubtedly been the means of introducing among the Wisigoths a far higher degree of refinement than can be found among other nations of Germanic race, and at a much earlier period. Their settled life on the Danube had led to the practice of agriculture; even commerce was not utterly unknown among them; for we see that, in their treaties with the imperial court, the privilege of trading with the cities of the Danube was always considered an important article. It led, also, to an early introduction of letters; and, above all, to a knowledge of the Gospel. Athanarich is described by ecclesiastical writers, from Socrates to Sozomen down to Gregory of Tours (Socrat., iv. 27; Sozomen, vi. 36; Greg. Tur., ii. 28), as a furious persecutor of the Christians; and St. Sabas and St. Nicetas are reckoned among his martyrs; yet it was in his days that the first translation of the Scriptures was made into the German language. The Christian doctrine had been long partially diffused among the Wisigoths. So early as the reign of Constantine many had abandoned the old idolatry. The names of Theophilus, the Metropolitan of Gothia, is found among the subscriptions of the council of Nice. (Socrat., i. 14.) There were doubtless other Gothic bishops betwixt Theophilus and Wulfila, and the number of professors among the Wisigothic population was already great when this translation was undertaken. It is to Wulfila, who was a bishop of the Goths of Moesia between the years 360 and 380, that mankind owes this inestimable treasure, of which the Gospels and the Epistles are still extant. When all the obstacles to such a work are calmly weighed; when it is considered that this was the first book written in the German language; that the letters by which Teutonic sounds were expressed were of such recent invention that by most writers they are ascribed to Wulfila himself; when the immense difficulty of rendering a

written into an unwritten tongue is taken into account, the boldness of the attempt must excite astonishment; and still more the felicity of its execution. All other literary labours of which we have any account seem trifles in comparison with Wulfila's.

The Cappadocian Philostorgius, assigns to Wulfila a descent from Cappadocian ancestors. According to his suspicious narration, the Goths, in the time of Valerian and Gallienus, crossed the Danube; and, having overrun a great part of Europe, passed over into Asia, ravaging many provinces, and, among others, Cappadocia, whence they carried away many captives, the ancestors of Wulfila, who dwelt at Sadagolthina, a village not far from the city of Parnassus, in the number. The writer celebrates, in his ecclesiastical history, the conversions which were effected among the Goths by the piety and example of the Cappadocian captives. There is nothing improbable in such a consequence; but it could be merely traditionary; for the irruption of the Goths into Asia occurred more than a century before the time of Wulfila, and long therefore before the date of Philostorgius: while, with respect to Wulfila, the statement is so mixed up with suspicious and impossible circumstances, that no reliance can be placed upon it. Had Wulfila been the child of captives, he must himself, in all probability, have been born a slave; and, as such, incapacitated for the priestly and episcopal office. Wulfila was a Goth. His name, his bringing up, the station he filled among the Wisigoths, his speech, his modes of thought and expression, are all evidences of a German origin. The Græcisms to be found in his translation, may be referred to the difficulty of expressing the ideas of a foreign into an unwritten tongue; but, upon the whole, it cannot be doubted that he wrote the language of his country at the period at which he lived. It is true that the Codex Argenteus, the earliest, and almost the only existing MS of the Gothic Scriptures, is of Italian workmanship, apparently of the beginning of the sixth century, or perhaps a little earlier, when the Goths were lords of Italy; and some few changes may have been made in the language of Wulfila in the course of the hundred and fifty years which had intervened since the first translation. But such changes were probably inconsiderable; for the time was too short for any great alteration in the actual speech of the Goths. Manuscripts are usually mechanically copied, and there was no grammatical nicety at that time in existence, to render necessary a constant adaptation of the written to the spoken language. The language of the Codex Argenteus was therefore the ordinary speech of the Wisigoths at the period in which Wulfila wrote, or, at most, differed from it no more than the English version of the Scriptures differs from the English of the

present day. And what a picture does it present of the intellectual cultivation of the barbarians! They were no longer a rude people; they were as little inferior to the Greeks and Romans in mental refinement as they were superior to them in moral virtues. Letters must have been, in a great degree, familiar to the Christian portion of them, or the translation of Wulfila had been useless. It is idle to talk of Wulfila inventing letters for the purpose of his translation. How could his Bible have been read, had he alone been acquainted with the character? There must have been many Wisigoths acquainted with the Greek and Latin, as well as the Runic characters, and so have been prepared to receive the work of Wulfila. Only a few years after his time, we find Sunnia and Fretela, two Gothic priests, writing to St. Jerome to enquire the Hebrew sense of certain passages in the Psalms, which were variously rendered in the Greek and Latin versions. "Who could believe," says Jerome, "that barbarian Goths were studying the Holy Scriptures, and seeking the truth in the original Hebrew, while the Greeks think of nothing but strife or sleep?" (Hieron. ad Sunniam et Fretelam, Oper. ii. 626.)

Wulfila's merit was not the invention of an alphabet of new arbitrary signs, but the application of alphabetical writing to Gothic speech, and the construction of an alphabet for that purpose out of characters which, for the most part, were already not unfamiliar with his countrymen, and of which the Greek supplied the far greater portion. It is true that alphabetical writing was probably not altogether unknown among the Goths, as well as among other branches of the German family, long before any connection with Rome or Greece; but the knowledge of it was confined, in Germany at least, to so few persons, chiefly to witches, or wise women, and sacerdotal characters, and the letters themselves were so connected in the popular mind with the old idolatry, that they were called Runes—mysteries, magic, and the professors of them *Alrunen*; perhaps the *Aurinis* of Tacitus was no more than one of the *Alrunes*. Three several alphabets of Runes are known to have existed. The oldest consisted of sixteen letters; it began with F, and the O occupied the fourth place. The second was that used by the Saxons. It was the same alphabet, enlarged to twenty-four letters, and in this E fills the nineteenth place, O retains the fourth, but there is a second O (*Odil*), which is the twenty-fourth, or last letter. The most recent Runic alphabet is arranged generally after the Greek and Roman form, beginning with A, and E taking the fifth place. It has only one O, which is in the fourteenth place. In the Greek and Latin alphabets, O is the fifteenth letter, because in the former of them an π is previously inserted, and a J in the latter.

In Germany there are few memorials of Runic writing beyond the records and traditions of their use, and the fact of the existence of Runic characters in the oldest German Christian alphabets, as in those of Wulfila and the Anglo-Saxons; but in the north numerous specimens survive in the shape of manuscripts, staves, and monumental inscriptions. No manuscript has been found of an earlier date than the eleventh century. Runstaba, Runic staves, are pieces of wood on which Runic characters are painted or engraved. They appear to have had many objects, as we find Svart-runas and Mal-runas, but their most ordinary uses were as charms and almanacks; nor is the latter application of the Runstaba altogether obsolete in the present day in the rural districts of Sweden. Numerous examples of ancient Runstaba have been preserved; but in none of any antiquity is it possible, notwithstanding their connection with time-reckoning, to specify the date with any accuracy. The monumental stones have the same deficiency, for though the sculptor rarely forgets to record his own name with the words "*risdi runar disi*," or "*setti runar disi*," there is no instance of any ancient stone with a date, though in one of the most ancient, that on a rock at Runano, in Blekin, the date has been ascertained from internal evidence. This stone is spoken of by Saxo, who relates that King Waldemar, in 1170, sent learned men to examine it, for at that early time it could not be made out, but without effect; and from that time until 1833, many competent persons have endeavoured to decipher it, but in vain—some even holding that it was no inscription at all, but only accidental scratches on the rock. At last, in 1834, it occurred to Professor Magnusen, after a ten months' study, to read from right to left, instead of from left to right, and the mystery immediately vanished. It is found to relate to King Harald Hildekind, and, from the event it commemorates, to be of the date A.D. 770, or thereabouts. From its curiosity it deserves to be quoted.

Hiltakinn riki nam
Garpr in hio - - -
UH eit gaf
vigir Opin runar
Hringr fæl
fæl a mold
Alfar Astagóð
Ola fæl
Opin ok Frei
Ok Asakun
fari fari
standum varum
unni Harald
Ærin sigr

Hildekind (son of Hild.) kingdom took.
Garth in dug. (Garth engraved)
Oll oath gave - - -
Weihe (consecrate) Othin the runes!
Ring yet
Fall on the mould!
Alfar (Elves) Astagods (Love-gods)
Ola hate
Othin and Frei (Freye)
And the Asa-kin (Asa race)
overthrow, overthrow
our foes,
Win Harald
glorious victory!

Perhaps there is no question of literature which has given occasion

for greater strife than that of the antiquity of the Runic characters, some assigning to them an unknown date; while others, reasoning from the uncertainty as to the age of the Runic inscriptions, have inferred, from the form of some of the characters, that they have been borrowed from the Roman, and are, therefore, comparatively modern. The preceding inscription, which is probably one of the oldest extant, goes no higher than the year 770; but even that date is three centuries older than that of the conversion of the Northmen, before which event any commerce in the way of letters with Rome is impossible. Runic letters, therefore, were not borrowed from Rome; indeed, Runic staves among the Franks are spoken of in the sixth century by Venantius Fortunatus as barbarian in their very nature:—

"Barbara fraxineis pingatur Runa tabellis."—Lib. viii. Carm. xviii.

And if the Runic letters were of Roman origin, how came the Anglo-Saxon alphabet by its Thorn and Wen? or whence did Wulfila obtain the Runic characters he made use of? If Roman, why was a different arrangement of the letters adopted? or how came the Runic alphabet to contain only sixteen letters? On the other side, it may be asked, if there was a Runic alphabet in Wulfila's time, wherefore make another? The answer is the incompleteness of the Runic alphabet, and its inefficiency for a translation from the Greek; but, more than that, the Runes, being almost synonymous with idolatry, were regarded by the Christians as abominations. The resemblance of many of the Runic to the classical characters must be ascribed to another cause than imitation; and if it is not imitation, it must be that both come from afar—from a common *ur*—old source. The remarkable fact of the direction of the writing, from right to left, in the preceding inscription, is an additional index pointing to the same conclusion. (Grimm. *Deutsch. Gramma. Einlect.*, b. i. 26.) There is a connection, indeed, of incalculable antiquity between the two forms of alphabetical writing, not derivation, for there was a time when the Greeks and Latins, as well as the Semitic nations, wrote, like the earliest Runic writers, from right to left.

Wulfila's alphabet stands in almost the same relation to the Greeks, as that of the Anglo-Saxons to the Latin. The greater number of his letters he borrowed from the Greek, one or two are from the Latin, and the signs for sounds, which the classical alphabets did not supply, are either Runes, which may have been common in his day in the east of Germany, or inventions. Several are known Runes, and some probably inventions. The letters which the Gothic speech did not require, Wulfila dismissed from his

alphabet: for instance, the Gothic has no soft C, no ϕ , ψ , v , x , or y . The Greek letters retained are \mathcal{B} , apparently the Greek β ; \mathcal{X} , the Greek χ ; \mathcal{E} , the Greek ϵ ; \mathcal{T} , always hard, like the Greek Gamma; \mathcal{I} , which may be Runic as well as Greek; \mathcal{K} ; \mathcal{A} , perhaps the Greek λ ; \mathcal{M} ; \mathcal{N} ; \mathcal{S} the Greek ω ; \mathcal{H} ; \mathcal{T} ; \mathcal{Z} ; The Latin letters are \mathcal{R} , \mathcal{R} ; \mathcal{S} , \mathcal{S} ; \mathcal{H} , \mathcal{H} . \mathcal{A} seems to be the Runic λ (A); \mathcal{F} (F) must be the Runic form, for the Greeks had no F , though the shape approaches more nearly the Anglo-Saxon, which is commonly referred to the Latin; and as no reason can be given why Wulfila, had he borrowed his F from the Roman, should not have used the Roman form, it leads to the supposition that both characters are Runic. \mathcal{V} and \mathcal{U} appear to be compound letters, the first equivalent to the German \ddot{a} , the last to Q . \mathcal{G} resembles the Roman G , but it is always pronounced soft, like J , to which letter it corresponds; the Runic \mathcal{G} is always hard. The remaining letters are \mathcal{P} Th ; \mathcal{N} u ; \mathcal{V} w ; \mathcal{O} wh ; whether these were modifications of Runes current at that period, or arbitrary inventions of Wulfila, is uncertain. It seems singular that for his ψ he did not rather borrow the Greek Θ , which was ready to his hand, that he should not have used the Runic p is scarcely to be wondered at; for the religious reasons which induced him to prefer the characters in which the Gospels are written, led him to reject the Runes as much as possible, and to admit none without some alterations. To such an extent was this reverential feeling carried, that he rarely writes the name of God in full, but generally uses the abbreviation $\Gamma\psi$ in his Scriptures to designate the Divinity.

That Wulfila should be regarded by his countrymen with intense veneration—that the man who opened to them the Spring of the Water of Life should be considered as a second Moses, is natural. His name appears on more than one occasion as a chief counsellor of the Wisigoths; and the proverb so long current among them—“Whatever is done by Wulfila is well done,” is a remarkable testimony of their confidence and gratitude. Among the Greek and Latin writers of that period his character has been variously estimated, though none deny his great reputation. The weightiest charge against him is his adhesion to an adoption of the opinions of Arius, and the perversion of his countrymen to that heresy; but the ecclesiastical historians do not agree among themselves as to the extent of his errors or his agency, nor is the fact of the Arianism of the Goths of that day placed altogether beyond dispute. Philostorgius (ii. 5) merely remarks that the opinions of Wulfila, and of those who followed him, were heretical; Socrates ascribes to

Arianism of the Wisigoths to a strife between Athanarich and Fritizem, in which the latter, being assisted by Valens, was led, with his people, to adopt the errors of that emperor, who was a zealous Arian (Socrat., iv. 27); it does not appear that Wulfila took any part in the question; but Sozomen (vi. 36) asserts that Wulfila had been present at the Council of Constantinople, A.D. 359, and subscribed the Arian tenets with Eudoxius Occadius, and other Arian bishops. Theodoret again relates that on the irruption of the Huns, Valens, at the instigation of the abominable Eudoxius, made his reception and support of the Wisigoths contingent on their profession of Arianism (Theodoret, iv. 37), and that Wulfila, gained by the flatteries and presents of the same Eudoxius, became the instrument of the emperor's designs, characterising the question to his countrymen as being a mere war of words founded upon vanity. Jornandes also ascribes the heresy of the Goths to the machinations of Valens. (Jornand., xxvi.) On the other hand, authorities of the highest order admit the Goths within the pale of orthodoxy. St. Ambrose, who died A.D. 397, celebrates the purity of their faith, and their perseverance in the truth (Ambros. Comm. in Ev. Luc., i. 26); St. Jerome, in a letter, supposed to be written about the year 398, praises them as orthodox Christians (Hieron. Epist. ad Lætam.); and Chrysostom, who lived about the same period, with all his zeal against the Arians, laments the death of that excellent man Unila (Epist., xiv.), whom he had heretofore consecrated as bishop over the Goths, after a life made illustrious by the number of his great and good works; adding, that he had received letters from the Gothic king, requesting that a new bishop might be sent to them in Unila's place—a request hardly compatible, when the stern orthodoxy of Chrysostom is considered, with the supposition that the Goths were looked upon as sectarians. That the Goths, notwithstanding, at a later period were really Arians, is a fact beyond dispute; and it seems scarcely possible that they should have received Christianity in any other than the Arian form, inasmuch as from the date of their first conversion, that form had been the profession of the majority of the Greeks, with whom was their greatest intercourse. Constantine himself, in 337, was re-baptized in the Arian persuasion; under his son, Arianism was the predominant religion; Julian indeed hated all Christian sects with equal intensity; but Valens, again, was a zealous partisan of the Arian creed. Perhaps the mystery which seems to envelope the Gothic profession of faith may be explained by their ignorance of, or indifference to, polemical subtleties; perhaps the terms of the dispute were beyond their comprehension; it is certain, at least, that if Arians, their Arianism was limited and temperate, and unattended by the proscriptive

bigotry which in the Roman world disgraced Christianity itself. Theodoret, the same who makes Wulfila look upon the question as a vain and unprofitable controversy, adds "that the Goths, although they believed the Father to be greater than the Son, would yet not admit that the Son was created; and still they did not refuse to communicate with those who maintained that error." (Theodoret, iv. 37.) A corroboration of this view respecting the temperance or indifference of the Goths upon the Arian question, may be possibly gathered from Procopius, who, nearly two hundred years later, praising the simple piety of the Tetraxitæ, a little people supposed to be the remains of the Ostrogoths, who continued, after the outwandering of their nation, among the Huns on the Tanais, and which, still in the midst of those savages, retained the primitive religion of Wulfila, remarks that whether, like the rest of the Goths, they were of the Arian persuasion or not, he could not say, nor did they even know it themselves. Since the Tetraxitæ had been cut off for two centuries from intercourse with the Roman world, with only the Gospel of Wulfila instead of Greek metaphysics for their guide, it is fair to conclude that their faith had continued unchanged, as their fathers had left it, and that the older Goths, like them, scarcely knew whether they were Arians or not.

The peaceful labours of Wulfila were interrupted by the storm which had been gathering on the eastern verge of the Gothic territory, and which broke in his day for the first time over Europe. It was the invasion of the Huns. Their coming excited an universal horror throughout the confines of the civilized world. Greek, Goth, and Roman join in their execrations; and their historians, however discordant they may be upon other points, accord in their hatred and in their descriptions of the disgusting savages. Jornandes, with all the traditional horrors of the ravages of Attila in his mind, ascribes to them a hellish origin; paints the countenance of the Hun as resembling a dumpling of paste, with two little holes instead of eyes; the cheeks deformed with warty scars, the consequence of the beard being cut out by the roots, which is done in early youth; they thus grow old without beard, in old age bearing the appearance of hideous youths; and, under this hateful form, glows a bestial inhumanity. Marcellinus, though a contemporary, and, therefore, free from traditional prejudices, adds additional touches to the picture. "You would esteem them," he says, "rather two-legged brutes than men. Not one of them knows whence he comes, or whither he is wandering. Born far away, and still further the place of his bringing up, the graves of his fathers and the land of his youth are alike unknown to him. waggon his only house, his home the accidental place of his

campment, his whole soul is absorbed by the wants and pursuits of the day, and the past and the future are things of equal indifference. No one ploughs, no one sows; their food is flesh or wild roots, which they devour uncooked; their garments are only changed when they fall off from old age. Without religion, with no idea of civilised life, they almost live upon their tough little horses, wandering wherever there is aught to steal, robbery the whole business of their lives." These exaggerations are lively evidences of the apprehensions caused by their approach among the comparatively civilised inhabitants of Europe; but, in fact, the Huns were only dangerous when united by the genius of a Balomar or an Attila. Marcellinus describes them as having no regal government (*Amm. Marc.*, xxxi. 2), but, content with the tumultuary leading of many independent chiefs, they broke, without order or preconcert, whenever accident led, or the prospect of booty enticed them. The description is probably true of the ordinary life of the Huns, for it explains the long seasons of inactivity which occur in their history; but there were periods when a hero united the tribes into a temporary monarchy, and then their might and their ravages were dreadful. The same remark applies to all the Tartaric or Turkish conquests; Attila, Zenghis, Timur, are a repetition of the same history. An union of this nature must have taken place in the time of Valens to make the Huns so universally formidable. Jornandes tells us that the name of their king was Balomar.

In the year 375 the Huns crossed the Don. They had subdued the Alans, who dwelt in the boundless solitudes of Asia (*Amm. Marc.*, xxxi. 2, 18), eastward of the Don; and both nations, Huns and Alans, agreed upon an invasion of the Goths, of whose territories that river constituted the eastern boundary. The Greuthingi, or Ostrogoths, were, from their position, the first objects of hostility, and the aged hero, Ermanarich, who had lived to the great age of one hundred and ten years, feeling his strength no longer equal to feats of arms, took away his life with his own hand, according to the ancient superstition of his country. The Ostrogothic union was dissolved by the event; part of the Goths, with Hunimund, Ermanarich's son, submitted and became tributary to the Huns; while the tribes which disdained submission elected Withimar, or, according to Jornandes, Winithar, another prince of the Amala family, who, after a brave resistance, fell upon the field of battle. It seems that Winithar and Hunimund were the only surviving branches of the Amala house; for, on the death of the former, the nation elected his son, Viderich, a child, to be their king, two Adelings, Alathems and Saphrax, undertaking the government during his minority. The Ostrogothic chiefs, either despairing to make good their ground, or with views of joining the Wisigoths, resolved for the

present to evacuate the country in the vicinity of the Don, and retired, with their people, property, and their young king, towards the Dneister, on the farther bank of which river they found Athanarich and the Thervingi posted in a favourable position, with the view of guarding the passage of the river. But the Huns, contrary to Athanarich's expectation, found means, in a moonlight night, to ford the river at another place, and were within little of surprising the Wisigoth chief, who retired into the hills, not without loss. He then threw up an entrenchment in great haste between the Pruth and the Danube, where he thought he might defy the Huns and Alans, who, satisfied for the present with the booty they had taken, and with the pasturage they had gained in the deserted plains, made little haste in his pursuit. But an universal terror had taken possession of the Gothic people: the flight, the hunger, the privations, the lamentations of the women, so long accustomed to the comforts of a settled life, increased the consternation, and all thought they could never be safe until they had placed the Danube betwixt the horrible Huns and themselves. Moesia and Thrace, which lay waste and depopulated from their early ravages, seemed to invite them. The Danube promised them a secure barrier. The greater part of the Wisigoths, therefore, abandoned Athanarich; and, under the guidance of two other Adelings, Clavir and Fritigern, pressed tumultuously to the banks of the Danube, whence they despatched an embassy, at the head of which was their bishop, Wulfila (Amm. Marc., xxxi. 2, 3; Sozomen, vi. 27), to the emperor Valens, to solicit from his bounty the peaceful possession of the vacant provinces, in which they promised to live in the capacity of allies or subjects of the Roman Empire.

Valens was at Antioch, busied with preparations for a Persian war, but the approach of the Huns was a consideration no less important to the Romans than to the Goths, and flattered by his courtiers into the belief that the Goths would prove an insuperable bulwark against the Scythian wanderers, he granted, after some deliberation, the petition which the Gothic ambassadors laid before him. But he had not sufficient magnanimity to convert the Goths into devoted friends by kindness and beneficence, nor the wisdom to make common cause with them against the common enemy. He imposed upon them hard conditions; he required that they should give up their weapons and their children as hostages for their fidelity, though these terms were, to a great degree, evaded by the haste of the passage, and the incapacity and corruption of his officers. In the summer of 376, between the embouchure of the Pruth, and that of the Danube, probably a little above Ismail, the passage took place and continued day and night; all the ships

the Danube were insufficient for the impatience of the immense multitude; rafts, hollowed trees were put into requisition, and many were drowned in the rash attempt to swim the formidable stream. No sooner was the transit completed than the imperial agents vexed them with every kind of oppression. By the imperial treaty a temporary supply of food was to be provided, but no food was to be had but what must be purchased at an enormous sacrifice. Whatever articles of comfort or luxury the Goths had saved from the wreck of better days—carpets, ornaments, the fine linen, for the manufacture of which the German women had been time out of mind celebrated, (Plin. Hist. Nat., xix. 2) must be given for bread, even their children must be sold to the greedy Romans for present subsistence. A loaf, a piece of flesh, a dead hound, was bartered for a slave, who was often a child of distinguished Wisigoth parents. It is not surprising that such atrocities drove the Goths to madness, and that, preferring the Huns to the Romans, they should desire to recross the Danube and endeavour to rejoin Athanarich; but this was not permitted by Lupicinus, (Amm. Marc., xxxi. 4 and 5; Zosim. iv. 20; Eunap. xix.; Excerpt. ex Leg.) the Roman commander, by whose orders they were removed by the soldiers from the banks of the river into the interior, in the direction of Marcianopolis.

Athanarich, in the meantime, had retired, with the Wisigoths, who still followed him, farther from the Danube to a mountain called Caucaland, whence he drove the Sarmatæ (Amm. Marc., xxxi. 4, 13) who possessed it, where he remained unmolested until the time of Theodosius; the Ostrogoths, meanwhile, with their young king, his tutors Alatheus and Saphrax, and another Ostrogothic prince called Farnobius, drew down to the Danube, begging an asylum, like the Wisigoths, in the Roman territory, from the humanity of the emperor; but their prayer was rejected on the ground that more Goths than the land could support had already been received. (Amm. Marc., xxxi. 4 and 5) They availed themselves, notwithstanding, of the temporary absence of the soldiery, who were engaged in the removal of the Wisigoths to Marcianopolis, to pass over, as they could, upon rafts hastily and ill-constructed; but their passage was successful, and they pitched their camp upon the Roman soil at a distance from Fritigern, who, weighing the possibility of matters being driven to extremities with the Romans, had loitered as much as possible on his way to Marcianopolis, in order to favour the transit of the Ostrogoths, in the hope that, if hostilities occurred, he might be strengthened by their support. Arrived at last before that city, Alavir and Fritigern were invited by Lupicinus to a feast, but orders were given

to admit no Goth except the two Adelings within the walls; blows ensuing in consequence between their followers, who endeavoured to force their way to their chiefs, and the Roman soldiery, they were slain by command of Lupicinus, and it seems to have been his intention to murder Fritigern and Alavir also. But the Goths, seeing the slaughter of their comrades and suspecting treachery to their Adelings, flew to arms, and Lupicinus, terrified by their fury, yielded to the representations of Fritigern, "that only their appearance among the Wisigoth people would restore tranquillity," and they were permitted to depart. No sooner, however, were they free than they placed themselves at the head of their people; a battle with the Romans ensued, in which Lupicinus was totally defeated, and fled almost alone from the field. The Goths armed themselves with the weapons of the fallen, for now nothing but open war was possible, and Fritigern was thinking how he could unite the Ostrogoths with his own people, when he was joined by the Goths in the Roman service, under two Adelings, Colias and Sueridus, who, on their way to the Persian war, had been ill-treated and set upon by the inhabitants of Hadrianople. The new allies proposed the siege of Adrianople, but "Peace with stone walls" (Amm. Marc., xxxi. 6, 4) was Fritigern's memorable reply, and the Goths spread themselves, having no enemy to meet them, over the rich and fertile open country; all was theirs between the Danube and the Hæmus; their force increased by the Gothic slaves who were scattered on the land, and by a number of miners, whom the event had deprived of their bread, and by whom the passes over the Thracian mountains were revealed. (Amm. Marc., xxxi. 5 and 6.)

In 377 a bloody battle was fought near the town of Salices, with undecisive result; the Romans retreating to Marcianopolis, the Goths retiring to their Waggonburg. In the same year the Hæmus was broken through, and from sea to sea the eastern empire was for three years the scene of ravage and plunder; nothing but the cities was secure. It does not appear that the Ostrogoths and Wisigoths were united in one body; they wandered about in various directions, and Farnobius and the Taifali were defeated by the Roman general Frigerid in Macedonia, near the city of Bervea, the Adelung himself slain, and the surviving Goths sent to Italy, where, instead of roving about with spear and war-horse, they were compelled to study agriculture in the neighbourhood of Parma and Modena. Valens, in the following year, returned to Europe, and busied himself in assembling a vast army at Hadrianople. While he lay there, an embassy of Goths, at the head of which was a Christian priest, approached the camp, and delivered a letter from

Fritigern to the emperor. "We are houseless men," it represented, "driven from our homes by the sudden assault of wild and ruthless savages. Let the emperor deign to give us Thrace, with its flocks and fruits, for an habitation and a sustenance, and we will observe everlasting peace and fidelity." Valens returned no reply to the petition; but on 9th August, A.D. 378, broke up from Hadrianople, and marched eight miles in quest of the Gothic host. Negotiations were again opened; there was even a probability of a favourable issue, but the pacific prospect was destroyed by the impatience of a portion of the Roman army, whose unforeseen onslaught was regarded by the Goths as treachery. Alatheus and Saphrax, with a band of Ostrogothic and Alan horse, appeared at the decisive moment; the battle became general, and ended in the utter rout of the Romans. Valens himself perished. He was seen, for the last time, towards the dusk of the evening: some say he died upon the field; others, that being carried, wounded, to a lowly hut, it was fired by the Goths, in ignorance of the prize that was within, and the emperor was consumed in the flames. "It was the righteous judgment of God," says Jornandes, "that he who had perverted the Goths to Arianism, should by those very Goths be burnt with fire." (Amm. Marc., xxxi. 7, 8, 9, 12 and 13; Jornand., xxvi.)

The victory of Hadrianople opened the whole country to the Goths, from the Danube to the Mediterranean. There was no Roman army, and the walled cities, which the Goths were yet too unskilful to master, were the only places of retreat, the only places free from barbarian ravages. There was an end of government, an end of law; for though Constantinople repulsed the barbarians, all communication was cut off, and no man knew in one city what was the fate of the others. It is vain, after the death of Valens, to look for a connected order of events, for here the intelligent and well-meaning Marcellinus leaves us, and Jornandes and the fanatic and dishonest Zosimus become the chief historical guides; yet there are glimpses of uncertain light to be found in the warm theologians and frothy orators of the times, which shew the state of the country and something of the occurrences of the day. Fritigern appears to have ravaged Greece, Thessaly, and Epirus: Alatheus and Saphrax bore their arms into Pannonia with the same object. We may conceive the distress which the support of so large a number of souls, who contributed nothing towards their own subsistence, must have occasioned during the two years which elapsed between the death of Valens and the treaty of Theodosius, the real necessity enhanced by violence and robbery; but the picture of St. Jerome goes beyond conception. "Everywhere," he says, "are mourning, lamentation, and the shadow of death. Dwellings are

sacked, mankind slain, even birds, beasts, and fishes have become rare. In Illyria, Thrace, and Pannonia, is nothing but sky and earth, all else is destroyed." (Hieron. *Epist.*, lx. ad Heliodorum.) Under the pressure of such devastation, it was to be expected that the war would assume a character of bitterness and ferocity, nor can we perhaps wonder at the massacre of the Gothic hostages and prisoners who were dispersed in the cities of Asia. But with Theodosius commenced a wiser and better policy. On the 19th of January, 379, the purple had been conferred upon him by Gratian, the representative of the house of Valentinian, and the government of the east was assigned to him. Upon the decease of Fritigern, the old Athanarich appears to have been re-elected chief of the Wisigoths, and with him Theodosius is said to have concluded a treaty, by which Thrace was resigned to them. Athanarich, in January, 381, on the invitation of Theodosius, visited Constantinople, was received with the greatest honours; and inasmuch as the old man, after a few days enjoyment of the pleasures of the capital, gave up the ghost, the emperor in person walked before his bier. By some writers Athanarich is said to have been driven from his retreat by his own people, and to have visited Constantinople as a fugitive; but Jornandes expressly states that he succeeded Fritigern as king, and the honours with which he was received at Constantinople, and the treaty he concluded with the emperor, are indisputable proofs of the estimation of his countrymen. If Athanarich was a fugitive without influence with his people, by what influence was the pacification of the Goths brought about, or wherefore make a treaty with him? In the following year peace was finally made with all branches of the Gothic nation. Their warriors became the support of the Roman empire, and Thrace, Moesia, and the banks of the Danube were resigned to the nation in perpetuity, where they might live under the name of Roman allies, and enjoy their own laws and government. Themistius, the orator, praises the treaty in terms which shew how deeply the Romans were humiliated by it. "Through the emperor's wisdom," he says, "the Goths respect, as a sanctuary, the land which had been so long the scene of their devastations. Now is the detested name of Scythian become to our ears a pleasant, a friendly sound. Even if it were in our power to destroy them, would it be better to cover Thrace with corpses than to people it with industrious cultivators? better to convert it into a cemetery than to give it to hard working and peaceful men? I myself know many Goths who have turned sword and harness into sickle and spade, and those who have so long followed Mars, now put up their prayers to Ceres and Dionysus." (*Orat.* 16, *Grat. ad Imp. de Pace*, 207 Ed. Hard.) Thus it is that

the panegyrist, whose trade it was to convert misfortune into gratulation, and to find subjects of praise in circumstances of debasement, endeavours to conceal the weakness of the empire under the specious forms of policy and beneficence. Theodosius is remarkable for carrying to an extreme the fatal policy of his predecessors, of relying upon foreign rather than upon native strength. Barbarians had entered largely into the armies of other emperors, but he relied altogether upon them; others had distributed barbarians among the Roman troops, but Theodosius raised a Gothic army, with Gothic officers and leaders. The consequence was, that all authority fell into their hands; every military command, every office of power or distinction, were filled by Goths or Franks. Perhaps, in the corruption and debasement of the Roman world, Theodosius had no choice, for a Roman people did not exist, a Roman army could never again be gathered; but whatever might be the necessity, whatever might be his claims to the title of great, or to the gratitude of orthodox believers, it was his which had delivered the Roman empire to its enemies, and so accelerated its fall.

By the treaty with Theodosius the Goths obtained a firm and legal footing upon the ancient soil of the empire. The policy of Aurelian had resigned to them the distant Dacia. Theodosius gave them a permanent property in Thrace and Moesia, where the descendants of the settled portion of them were found under the name of Moesian Goths, many generations after the out-wandering of their more adventurous brethren. It is true the bright imagery of Themistius, of pruning-hook and scythe, of the peaceful harvest and the luxurious wine-berg, soon faded; it is not in human nature that men, delighting in the sword, who had lived for years on rapine, and were inured to license, should settle down at once to peace and husbandry; and even the restless spirits, who found more congenial employment in the Roman armies, were too well aware of the impotence of their masters to restrain their natural turbulence, or refrain from insolence. Chrysostom, an eyewitness, tells us that the Romans were subjects of mirth to the barbarians, and has preserved an anecdote of a Gothic Adelung who expressed his astonishment at the surpassing impudence of the Romans in still speaking of *their* victories and *their* empire. (iv. 463). Nor is it wonderful, if Theodosius could not always, even at his own table, restrain the Gothic Adelings from strife, blows, and murder (Eunapius Excerpt. ex Legat., xv.; Zos., ix. 51); that on his death, which took place at Milan, 17th Jan., 395, all restraints should be broken down, and that the barbarian chiefs should lord it in Constantinople, and consider the empire as their own. Even before the death of the emperor, who was really a man

of courage and decision, it was not always possible to keep whole tribes in tranquillity. Outbreaks of Scirri and Carpodaci, Gothunni, Prothingi, Greuthingi, are spoken of in the complicated accounts of the time. The *Fasti* of Idatius record that, on 12th October, 386, Theodosius and his son Arcadius entered Constantinople in triumph for a victory over the Greuthingi. (Zosim., iv. 34, 38, 40.) It is vain to seek more precise information respecting these tribes, some of which appear to have come from beyond the Danube. The Greuthingi of Idatius (it is the last time the name appears in history) seem to be the same with the Prothingi of Zosimus, though the latter writer mentions the golden collars which were given to their Adelings, to induce them to enter the Roman service, and thus throws doubt over the victory altogether.

Among the Adelings who had held command over the Gothic troops in the service of Theodosius was Alarich, a Wisigoth, sprung from a family which had acquired the name of Balthæ, or *the bold*, and which is described by Jornandes as being second in nobility only to the Amala. (xxix.) The names and history of his ancestors have not been preserved; there is no reason to believe that his family was allied to Athanarich, Fritigern, or to any other of the known Gothic nobility. For aught we know to the contrary, Alarich may have been himself the founder of the Balthæ race, though his station, both with relation to Theodosius and to the Wisigoths, shews that he must have been of Adeling blood. Claudian ascribes to the barbarian Peuce (Claud. de 6 Cons. Honor., cv.), the island formed by two arms of the Danube, the honour of being his birth-place. Alarich, at an earlier period, had been in arms against Theodosius, and had afterwards rendered him important services in the civil war with the usurper Eugenius; but, being dissatisfied with the reward of his merits, he took occasion of the discontent of the Goths, on the customary largesse being withdrawn by the imbecile guardians of the imbecile Arcadians, to fall upon the Grecian provinces. Having been elected Thiuda, or general captain, by the Wisigoth host, he broke through the pass of Thermopylæ, and plundered Greece as far as the gates of Athens; and was only deterred, according to the pagan Zosimus, from sacking Athens itself, by the apparition of Minerva and Achilles upon its walls. (v. 6.) Bought off from this freebooting life by the Prefecture of Illyria, Alarich remained for four years quiet, occupied, apparently, in providing his people sufficiently with weapons and necessaries; and then, in the last year of the fourth century, broke up, in the midst of winter, with the expressed object of marching upon Italy. No cause for this sudden hostility is assigned, nor are there any circumstances upon record from which it can be with certainty ascer-

tained; the sole glimmer of light which can be traced would lead us to infer that it was undertaken at the command of the court of Constantinople. Arcadius, at the death of his father, Theodosius, was eighteen years old; Honorius, to whom the west was assigned, only eleven. The latter was under the tutelage of Stilicho; the former governed by Eutropius. (Zosim., v. 11.) It would be the duty of the Præfect of Illyria to carry the sentence into execution; nor would Alarich be backward in undertaking a commission which harmonised so marvellously with his interests and his ambition. It is equally impossible, from the dearth of facts, to follow the particulars of his operations; the bombast of Claudian is of little value as an historical authority, though it is almost the sole one; and it is from dates and the rare mention of geographical facts only that the true course of Alarich can be ascertained. He must have descended from the Julian Alps; but for three years he seems to have lingered at their foot, whether delayed by Aquileia, or detained by the care of making good his communications with his countrymen, or dread at the magnitude of his enterprise, can only be a matter for speculation. Italy, in the meantime, was in terror; it was the first time, for many a century, that an enemy had appeared on the side of the Julian Alps. The walls of Rome were hastily repaired; while, to the court, even the marshes and walls of Ravenna seemed a scarcely secure asylum. At length Alarich crossed the Po, with the intention of besieging Honorius in Ravenna. Stilicho, who had withdrawn the Roman garrisons from the Rhine, and even from the distant Britain, to fight for Rome upon Italian ground, was still in Rhætia, and negotiations were begun by Honorius with the Goths, but were broken off on the approach of Stilicho. At the Easter-feast of the year 403, near Pollentia, a place already memorable, according to Claudian, as the scene of the extirpation of the Cimbri, by Marius, five hundred years before, a great but indecisive battle was fought. Claudian claims a victory for Stilicho; but Orosius, Cassiodorus, Jornandes, and Prosper, relate that the Roman army was put to flight by Alarich. Stilicho certainly retired again into the Rhætian Alps, while Alarich took his way over the Apennines, towards Tuscany and Rome, the danger of which city induced the Roman government to make a treaty with Alarich, by the terms of which Alarich was permitted to carry off his booty, received the grant of a yearly subsidy, and added to the part of Illyria already in his possession the Præfecture of that portion which was a dependency of the Western Empire. (Zosim., v. 26.) Another victory, at Verona, is feigned by Claudian, but Alarich withdrew with his booty, A.D. 404, into Illyria, nominally a servant of both courts, but in reality independent. This

was the triumph which Honorius and Stilicho celebrated in the same year at Rome, and which is commemorated by this magniloquent inscription. (Mabill. *Analect.*, iv. 359; also in Greuter *clxxxi.* 10): "IMPP. CLEMENTISSIMIS . FELICISSIMIS . TOTO . ORBE . VICTORIBUS . D.D.D. N.N.N. ARCADIO . HONORIO . AUGGG. AD . PERENNE . INDICIUM . TRIUMPHO . QUO . GETARUM . NATIONEM . IN . OMNE . ÆVUM . DOM . EXTR . ARCUM . SIMULACHRIS . EORUM . TROPÆISQUE . DECORA . S.P.Q.R. TOTIUS . OPERIS . SPLENDORE."

Gibbon has adopted Claudian's hero; Stilicho is one of his most favourite children. It is so rare, in that age of debasement, to find anything heroic among the Romans, that the warm imagination of the historian may be excused if it has sometimes surpassed the extravagances of the poet. Stilicho was really a great man under circumstances of no ordinary trial, and he would appear to us, probably, still greater, could we, instead of tinsel falsehoods, hear from his own mouth an unvarnished statement of all the difficulties of his path; but the triumph which the poet and the historian have given to him vanishes under the cold glance of criticism. Stilicho descended from the Alps to give battle to Alarich; he retired, after the battle, into the Alps again. Does this look like victory? Gibbon admits that, in the invasion of Italy, Rome was the grand object of Alarich's ambition. After the battle, Alarich broke over the Appenines into Tuscany, on his way to Rome. Does this look like defeat? Claudian owns that Stilicho's anxiety respecting Rome was the great motive for the peace which he made with Alarich. (Gibbon, v. 203.) Where was the victorious Stilicho? Could it be difficult for the conqueror to save the eternal city from the conquered? And how did "the active and incessant diligence" of Stilicho save it? By a treaty with Alarich, which gave him the Western Illyria, a yearly subsidy, and all the spoil which he had collected. The "splendid Verona victory" rests entirely upon the poet's credit. A second victory and a second treaty on the same terms are inconceivable.

Alarich continued four years longer quiet in Illyria. As an interlude between his appearances in Italy, occurred an invasion of that unhappy country by a chief called Radagisus, or Radagast, whom the contemporaneous but distant Orosius and Augustin, as well as the latter chroniclers, Prosper, Isidore, and Olympiodorus, call also a king of the Goths. Zosimus tells us that he was followed by Celts and Germans, collected beyond the Danube and beyond the Rhine, to the number of 400,000 men. Others state his numbers at 200,000. Either number is evidently impossible. Radagast might be the head of an independent Gothic tribe, or one of

Alarich's captains or allies; he might be an Alemannic chief, or an adventurer himself; he might, in the general fermentation which then prevailed in Germany, have collected some thousands of adventurers of various race, upon the speculation of a profitable foray. In any case, the outbreak produced no effect upon Italy beyond the infliction of immediate distress; and the facility with which he was overthrown by Stilicho, shews that his numbers could not have been formidable. The circumstances are enveloped in doubt and obscurity; but the numerous writers who refer to it prove that there can be no question as to the fact of the invasion. Gibbon naturally asks, "Where was Claudian's muse at that time? Was she asleep? Had she been ill paid?"

Italy was now so impoverished by the devastations of the barbarians that it became impossible for the government of Honorius to continue the payment of Alarich's subsidy. (Cod. Theod. xi. 28, 4.) Alarich armed again in order to enforce satisfaction, and having possessed himself of the Alpine passes, he sent, in 408, a peremptory message to Stilicho to demand his due, as well as compensation for the expenses of his armament. It is a feature worthy of remark in Alarich's character, that while he steadily pursued his own interests, he was careful to cover his ambition by the forms of equity and justice. He came, originally, into Italy as the servant of the emperor, and whenever he moved against his master, he had a violated treaty to allege. The fact of the treaty was questioned by the imperial council in which Alarich's demands were discussed, for it had been concluded secretly by Stilicho, but on its avowal by him, and the exhibition of the written authority of Honorius for its conclusion, his claims were admitted to be just, and 4,000 lbs. of gold were ordered to be paid to him. But the act gave strength to Stilicho's enemies; he was declared a traitor and a confederate of the barbarians; on the 23rd of August, A.D. 408, his head fell by a mandate which had been obtained from Honorius; the treaty with the Goths was declared null, and if we may credit Zosimus, all the wives and children of barbarian soldiers who were found in the cities of Italy were murdered. Alarich immediately despatched Ataulphus, or Adolf, the brother of his wife, to bring reinforcements out of Moesia, and marched himself by Aquileia, Concordia and Altinum, to Cremona, where he crossed the Po; thence, leaving Ravenna, he proceeded, with hasty marches, by Rimini, through Picenum, direct for Rome, where all was tumult and alarm. The widow of Stilicho, Serena, though the niece of the great Theodosius, was murdered by the senate on the suspicion that she was in correspondence with Alarich. The numerous pagans of the city endeavoured, though fruitlessly,

to persuade the people to save themselves by resuming the sacrifices to the gods, and there was boundless boasting of the might and numbers of the Romans, to which Alarich replied with the famous gibe: "The thicker the grass the easier to mow" (Zosim., v. 29, 40; Sozomen., ix. 6.) But Alarich assured himself of the Tiber; Rome had no resource but submission, and was compelled to redeem herself by the payment of 5,000 lbs. of gold, 30,000 lbs. of silver, 4,000 tunics of silk, 3,000 purple-dyed skins, and 3,000 lbs of pepper. (Zosim. v. 41.) To raise this enormous ransom, not merely jewels and valuables must be given up, but the old statues of the gods, with which the city still abounded, must find their way into the crucible. Zosimus particularly laments the loss of the statue of Virtus, believing that with it vanished the valour and public virtue of the Romans! Alas! they had vanished long before. The convention was ratified by Honorius, and Alarich was again his soldier; but it was natural that he should wish to free himself of so costly and domineering a servant, and a series of intrigues ensued, by the event of which the usurping Emperor Constantine, who had been before declared a public enemy, was acknowledged, five additional legions were brought over the Adriatic out of Dalmatia, Adolf, who thought all was peace, was attacked as he descended the Alps, and eleven hundred of his Goths slain, and every article of the treaty with Alarich violated. Alarich found little difficulty in breaking through the webs in which the courtiers thought they had entangled him, and advanced a second time to Rome. (Zosim. v. 42, 50; vi. 6, 12.) New negotiations were begun and broken off; a new emperor, Attalus, was made and deposed by Alarich; at length, in the night of the 24th of August, 410, the eternal city was captured and plundered by the Goths. Alarich had given a strict charge to refrain from useless violence, and to respect the holy places. But still Jerome compares its fall with the fall of Troy, and complains that the whole city was burnt; Philostorgius makes it a heap of ashes; Julianus di Castillo says that all which had been suffered by Troy, Carthage, Saguntum and Numantia was nothing in comparison with the sack of Rome. (Hieron. Epist., 96 and 98; Philostorg., xii. 3; Jul. di Cast., xxv.) Yet Orosius is a juster witness, and Augustin speaks of the mildness and sparing of the Goths. (Oros., vii. 40.) Blood would doubtless be spilt, houses would be fired, robbery and ill-usage are inseparable from the tumult of a storm, but as a retribution they were trifles when compared with the cruelties which Rome, in the course of eleven centuries, had inflicted on so many other cities. Rome's conquerors, unlike the Romans, were of gentle nature, and no city has suffered less than Rome at the hands

of her enemies, though none has ever fallen under circumstances of greater ignominy.

In three, according to another authority, six days, Alarich, probably with the view of restoring the discipline which the storm of a city never fails to relax, quitted Rome with the intention of mastering Sicily and Africa, at that time the granaries of Rome and Italy. He proceeded along the coast to Campania, but died suddenly in the neighbourhood of Reggio. The Goths, with great mourning, dammed aside the stream of a little river which flows by the city of Cosenza, dug his grave in its bed, laid him, with many costly articles, within it, then breaking down their dam, the returning waters swept into their ancient channel, and concealed, for ever, the spot where Alarich was laid. The precise point of his burial is supposed, by an intelligent traveller, to be that where the Crati, the Krathis, the Piscosus amnis of Ovid, and the Busienti join their streams, a little below Cosenza. The remarkable precautions (even the slaves who worked at it are said to have been put to death) taken to preserve Alarich's corpse from insult, almost show that the Goths had contemplated the evacuation of Italy; but now occurred a change in their designs. Adolf, the brother of Alarich's wife, was elected king; he was captivated by the wit and beauty of Placidia, the sister of Honorius, who, having been taken prisoner in Rome, was retained by the Goths as a kind of hostage, and whom he afterwards married; and it seems probable, though the fact cannot be historically established, that by her intervention a good understanding was renewed between them and the court of Ravenna. The expedition to Sicily was given up; according to Jornandes, Rome was again visited (*Hist. Goth.*, xxxi.), though this time, perhaps, the visit was very different from a conquest, and in the year 412, Adolf quietly quitted Italy with his Wisigoths (*Oros.*, vii. 39; *Marc. Chron.* ad ann. 410; *Jornand.*, xxx. 31), apparently as imperial general or ally, with the view of clearing the provinces of Gaul and Spain from the swarms of Alans, Vandels, and Sueves, which had broken into, and were devastating those countries.

It was on the last day of December, A.D. 406, three years after the withdrawal of the Roman garrisons by Stilicho, that some of these roving nations had just crossed the Rhine into the deserted provinces of Gaul, and they were speedily followed by others. Their passage was effected in the neighbourhood of Mainz, or betwixt that city and Speyer, for it cannot be conceived that so many hordes would cross at the same spot; Mainz, indeed, was the first city which fell into their hands, and thousands of the inhabitants, who had taken refuge in the church, were slaughtered; Speyer,

Worms, and Strasburg were surprised and reduced to ashes, and thence the barbarians spread like a torrent over Gaul, and everywhere their path was marked by the ruins of desolated cities. In Belgica, Reims, Amiens, Tournay, Arras, Terouenne, were sacked (Hieron. *ad Ageruchiam* do monog. Epist., xci.; Zosim., vi. 3; Oros., vii. 40; Procop. *Bell. Vand.*, iii.); in the south the provinces of Aquitain, Novempopuli, Narbonne, and the Lugdunensis were ravaged, some few cities were destroyed, and famine, so says St. Jerome, carried off numbers of those whom the sword had spared. With every allowance for the exaggerations of the father, we may admit the misery of the Roman citizens was terrible; yet Orosius assures us that numbers of them preferred a free poverty among the barbarians to the cares of a Roman tributary, and Salvian adds his testimony that the Romans preferred living under barbarian sovereignty, and that Roman morals were improved and elevated by barbarian intercourse. (*De Gubern. Dei*, lib., v. p. 152, 159, 270.) It is difficult to distinguish, with any accuracy, the course of these separate tribes, or even their race and birthplace. Orosius and Zosimus enumerate Alans, Sueves, and Vandals; Procopius states that they were Vandals from the Meotis, driven from home by famine; and Jerome enumerates Quadi, Vandali, Sarmatæ, Alani, Gepidæ, Eruli, Saxones, Burgundiones, Alemanni,—every name, in short, which was calculated to excite terror, and impress the minds of the impenitent. Four names of nations may, notwithstanding, be accurately discerned: Burgundians and Vandals—golden-haired Vandals, as they are styled by Procopius—who were of Gothic lineage; Sueves, who were Alemanni, or, more particularly, Hermunduri, Marcomanni, and Quadi; and Alans, who are said to have been driven by the Huns out of the boundless solitudes of Scythia, had long been settled in the eastern provinces of the empire, and are considered, by some, as being of Sarmatic origin. The name Alan, however, embraced a vast variety of tribes and nations; in itself it implies no more than stranger, and inasmuch as these wandering Alans, who, according to Procopius, were a Gothic tribe, spoke the German language, and appear originally in this expedition in union with the Vandals, it must be concluded they were Germans. Of these four races the Burgundians, who had long been settled on the Main, took possession of Worms and the surrounding country, where they continued for many years. The Sueves, Vandals, and part of the Alans, after wasting Gaul, crossed, in 409, the Pyrenees into Spain; the remaining part of the Alans lived for many years at free quarter in southern Gaul. To account for the friendship of the Vandals and Alans, it is said that the former, on their approach to the Rhine, were resisted by the

Franks; and having lost a battle, in which their King Godegisel was slain, were succoured by Reopendial, the king of the Alans. (Greg. Tur., ii. 9.) In Spain, however, contentions arose among Vandals, Alans, and Sueves, and blood was shed among them; but in 411 a general agreement was come to, by which the Sueves received Gallicia, which in those days included old Castile, where they established a kingdom, which endured for one hundred and seventy-six years. Alan tribes received Lusitania, and also the province of Valencia; while, bordering on the Sueves, the centre of Spain was occupied by Vandalic peoples, among whom the Silingi are particularised as settled on the river Bætis, now the Guadalquivir, in the province whose name, Andalusia, commemorates for ever the Vandal habitation and origin. The peace was, notwithstanding, of short duration, and many wars with each other, and with the Romans, ensued, in which the final success seems to have rested with the Vandals; but in 429 they were induced, by ambition and the invitation of a discontented Roman governor, Count Bonifacius, to proceed further on to Africa, and in the month of May finally quitted Spain. (Procop. Bell. Vand., iii. 5; Vict. Vitens. de persec. Vandal., i. 1.) Their numbers, when they entered Spain, are reckoned by Procopius at 50,000; when they abandoned it they were estimated at 80,000, but not more than a fourth or fifth of these were fighting men, for we learn from Victor Vitensis that in the gross number were old men and young, children, serfs, in short, their entire families. So easily was the Roman kingdom in Africa overthrown! It is unnecessary to pursue the history of the kingdom of the Vandals in Africa, inasmuch as they left no body of laws, no monuments which throw light over German history, while of their language the only fragment which has been preserved are the words *SIHORA ARMEN*.

In Gaul, at the period of Adolf's entry, so strange a complication of things appears, that historians are doubtful whether the Wisigoths came as the friends or enemies of the Roman government. The imperial lieutenant, in Provence, was Constantius—a man of military merit, but unbounded arrogance; who, having, in the preceding October, reduced Arles, captured the intrusive Emperor Constantine, and sent his head to Ravenna, thought no recompense, not even the purple itself, beyond his merits. (Olympiod., vii.; Prosper Chron. ad ann. Honorii, xix.) But, before Arles had fallen, another usurper, Jovinus, had arisen at Mainz; and it is asserted that his support was the chief object of Adolf's march into Gaul. It is certain that Adolf was regarded with no friendly eye by Constantius, and that hostilities speedily arose between the Wisigoths and the Romans. This may be owing to the secret

instructions of Honorius, to whom the Wisigoths must be, at least, as hateful as the Alans, Franks, and Burgundians; but it is more probable that it arose from the personal feelings of Constantius, who was the rival of Adolf for the favour of the fair Placidia, who, on her part, regarded him with abhorrence. If we consider Adolf's actions, and the great services he rendered to Honorius, we can scarcely avoid the conclusion that he considered himself as his friend and ally. (Jornand. xxxi.) When Jovinus, in 411, declared himself emperor, Adolf, on his first arrival in Gaul, promised Honorius to send his head to Ravenna. Sarus, a renowned Gothic captain, who had been long in the service of Honorius, had, owing to some discontent, withdrawn from the court, and marched into Gaul, with the view of joining the usurper. Adolf made it his first business, on his arrival in that country with 10,000 Goths, to seek out Sarus, who was at the head of 18 or 20,000 men, defeated him with great slaughter Sarus himself perishing upon the field. (Olympiod. vii.) Early in the following year, 413, he redeemed his promise to Honorius, by marching against Jovinus, who had associated his brother, Sebastian, with himself in the imperial dignity; he met, and overthrew them, sent the head of Sebastian, who had fallen in the fight, to Honorius, and delivered Jovinus himself, who had fled from the field to seek refuge in the city of Valence, and was there taken, living into the hands of Dardanus, the imperial commissary, by whom the unfortunate usurper was faithfully put to death, on his way, as a prisoner, to Italy. Notwithstanding these great services, the continued ill-feeling of the all-powerful Constantius seems to have produced war between the Wisigoths and Romans; for, about the vintage of the same year, the slow Emperor Attalus was reinstated by the Wisigoths, and Adolf possessed himself of many places in southern Gaul, particularly of the city of Narbonne (Idat. ad. ann. Honorii, xix.), where, in January of the following year, he celebrated, with extraordinary pomp, his nuptials with Placidia, Attalus himself singing the first nuptial song. It might be supposed that the influence of Placidia (Olympiod., viii. 9; Idat. Chron. ad ann. Honorii, xx.) would restore peace between her husband and her brother, over each of whom she possessed great influence; but her efforts were neutralised by Constantius, who, if we may credit Orosius and Idatius, obtained some important advantages in the field over Adolf, and compelled him to seek his fortunes in Spain. (Oros., vii. 43; Idat. ad ann. Honorii, xxii.) It seems scarcely credible that the Wisigoth army, which had routed Stilicho, should retreat before Constantius; but, whatever was the cause, whether the barbarians in Spain seemed to offer an easy victory, or that Spain was assigned to the Wisigoths by an agree-

ment with Honorius, it is beyond dispute that Adolf crossed the Pyrenees, in the autumn of 414, or the beginning of 415, and took possession of Barcelona. Here, in the same year, he was murdered. As he was one day, according to his custom, in the stable, looking at his horses, in which he took great delight, he allowed himself a jest upon the short or deformed person of one of his grooms, Vernulf (Olympiod., ix.; Jornand., xxxi.; Oros., vii. 42), who, in his rage, stabbed him, and he died soon afterwards, recommending to his brother, with his last breath, peace with the Romans, and the restoration of Placidia to Honorius.

Brief and scanty as the notices are which the character and actions of Adolf have received at the hands of historians, it cannot be doubted that he was an extraordinary man. He is described by Jornandes (xxx.) as one not of gigantic stature, but as being perfect in form, feature, and courage; and understanding might be read in his open and manly countenance. At one period of his life, he contemplated nothing less than the blotting out of the Roman name, and the substitution of an universal Gothic empire—a *Gothic world*, in which Ataulphus should become what Augustus had been to Rome; but the magnificent conception was voluntarily dismissed, from the conviction that the Goths were unfitted, from their habits of unruly freedom and indomitable personal independence, for a reign of order and refinement. (Oros. vii. 43.) There seems, indeed, to have been, among the Goths, at all periods, a powerful party opposed to the ascendancy of the Balthæ. There had been a blood-feud between Adolf and the Sarus whom he slew in Gaul; and, on the king's death, the adverse party acquired a momentary ascendancy, for his bitterest enemy, Sigerich, the brother of the same Sarus, was elected king of the Wisigoths. Sigerich brutally misused the good fortune of the moment. He murdered the children of Adolf, the issue of his first marriage (the only child of Adolf and Placidia, to which the name of Theodosius had been given, was already dead, and lay buried, in a silver coffin, in the church of Barcelona), and drove the imperial Placidia herself twelve miles on foot before his horse. (Olympiod., ix.) Such atrocities naturally created an universal exasperation among the Wisigoths; in eight days, Sigerich lay in a bloody grave, and Wallia was raised on the shield, by the general voice of the nation.

Wallia must be regarded as the founder of the kingdom of the Wisigoths. His first care was to make peace with the Romans, and of this peace Placidia and Attalus were the victims. In 416 the former was delivered up, and on the 1st January in the following year was compelled to become the wife (Olympiod. xii.) of the

man whom, of all others, she hated. Attalus, who had been the sport of fortune and the Goths (Oros., vii. 42; Prosper. Chron. Honorio, ix. et Constantio, ii. Coss.), being now neglected, endeavoured to make his escape, but was captured on the sea by a Roman ship, and might think himself happy in being permitted to end his days in Lipari, with only the loss of the two forefingers and the disgrace of appearing in the triumph of Honorius. By the terms of the treaty a subsidy of gold and provision was agreed to be paid to the Wisigoths, a certain tract of country assigned to them, and a common war of Romans and Wisigoths with the Vandals, Sueves, and Alans of Spain undertaken. Wallia began the war with vigour, and carried it on with success, the Silingi being spoken of as being almost exterminated (Idat. in Chron. ad ann. 418), and in 419 he took possession of Aquitaine (Idat. in Chron. ad ann. Honorii, 24), apparently the district given up to him, and made Toulouse the capital of the Wisigoth kingdom, which it continued to be for the space of eighty-eight years. He died in the same year, but from this date is reckoned the foundation of the Wisigoth monarchy.

To Wallia succeeded Theodorich, whose long reign of two and thirty years was terminated by a glorious death in the great battle with Attila in 451, on the Catalaunian plains. The relation in which Theodorich stood to his predecessor is not stated. By one modern historian he is represented, though without authority, to have been the son of Wallia; while Gibbon, on the credit of a passage in Sidonius (Sidon. Apoll. in Ovituno., vi.), makes him the son of Alarich. There is nothing in the latter supposition contrary to the national custom of the Germans, even if it be granted that Alarich left children of mature age; for the ablest man of *the race* was generally preferred; but the indefiniteness of poetical phraseology affords but a loose and indifferent ground wherein to plant a genealogical tree. Jornandes gives no genealogy of the Balthæ; the most that can be assumed is that the Wisigoth kings were members of that family; and even this must be inferred from general analogies and a few isolated expressions of the ancient chroniclers. Alarich is said to have been of the Balthi race. On his death, Adolf, the brother of his wife, was elected, but the matrimonial alliance was not his title; he was chosen because he was the kinsman of Alarich, and, therefore, of Balthi blood. (Jornand., xxxi.) A blood connection between Wallia and Adolf is nowhere expressly affirmed; but Adolf, on his death-bed, is said to have spoken earnestly on the Wisigoth concerns with his brother, as the man likely, on his departure, to lead the nation; and, inasmuch as Wallia, within eight days after Adolf's burial, was chosen king, there seems the greatest probability that he *was the brother*

spoken of. Theodorich, again, may have been the son of Wallia or of Alarich; there is nothing, in a comparison of dates and ages, contradictory of such a supposition, though there is no precise authority for the establishment of the fact. At all events, it can hardly be doubted that he was of the same family; for Jornandes, when he says the Wisigoths obey the Balthæ, has evidently the race nearest to his own times in view. With Theodorich a more particular hereditary succession appears to have commenced, introduced probably by familiarity with Roman customs. He left behind him eight children, of whom three, Thorismund, Theodorich, and Eurich, followed him successively upon the throne. Alarich the 2nd, the son of Eurich, fell, in 507, in battle with the Franks, leaving behind him a son, Amalarich, on whose murder, in 531, the race of the Balthæ, or, at least, the direct line, was extinguished; and Theudis, the assassin of Amalarich, became the founder of a new race of Wisigoth kings.

CHAPTER III.

The Franks.

FLAVIUS VOPISCUS relates, in his life of Aurelian, that when that emperor was Tribune of the sixth Gallican legion at Mainz, he intercepted a body of marauding Franks, which had been roving over Gaul, slew seven hundred of them, sold three hundred *sub coronâ* (Vopisc. in Divo. Aurel., vii.), and that the event gave occasion to a military song, of which the following words, which appear to be a kind of burthen, have been preserved:—

“ Mille Frances, mille Sarmates semel et semel occidimus :
Mille, mille, mille, mille, mille Persas querimus.”

The reference to the Persian war, to which the sixth legion was about to march, fixes the date of the occurrence in the year 242. This is the first time that the name of Frank appears in history; but in the course of a few years afterwards, it comes frequently forward, and with greater historical distinctness. The people to whom the term “Frank” is applied, were the Germans who dwell on the right bank of the lower Rhine, from the Main, or the Lahn, downwards, in the locality in which the *Lataevonic* race is placed by Pliny and Tacitus. Dwelling thus between the *Alemanni* and the Saxons, who may be taken to represent the *Ingvronic* and *Hex-minonic* races, it follows that the Franks must either be a new people which had replaced or subdued the ancient *Lataevones*, or that the old tribes, which were already so familiar to the Roman world under the names of *Sigambri*, *Chamavi*, *Bencteri*, *Marni*, *Chatti*, *Ansibarii*, *Teuchteri*, and *Usipetes*, were united under a common designation, implying, to a certain extent, a new general confederacy. The latter supposition has not only every probability,

but historical testimony to support it, the former rests on the Mährchen and traditions of later times. Marcellinus speaks of Chamavi, Salii, and Attuarii, as forming part of the Frank nation; Sulpitius Alexander, according to the representation of Gregory, of Tours, particularises Chamavi, Bructeri, Ampsivarii, and Chatti; the same names occur in Claudian and Sidonius Apollinaris; and the Frank chronicler makes Remigius address Chlodwig as *Sigamber*. Procopius and Agathias (Amm. Marc., xvii. 8, and xx. 10; Greg. Tur., ii. 9, 31; Agath. Schol. de Imp. Just., ii.), moreover, speak of many peoples of Francia, remarking that the Franks were heretofore called Germans; and in the Tabula Pentingeriana, which is probably in the middle of the fourth century, in the northern corner, to the names Chaci, Chamavi, Cherustini, Apsivarii, is added "*qui et Franci*," a sufficient proof, though it is granted that the words are partially erroneous, and merely introduced to fill up a vacant space, of the author's impression of the origin of the Franks. How the designation FRANK came to arise among those peoples is a matter involved in impenetrable darkness, and even the etymological import of the word has been among historians a fruitful source of unprofitable speculation. The imaginary Francio of the elder chroniclers may be dismissed without notice. The theory of Menzel and Pfister, that the Franks derived their designation from their peculiar battle-axe, called *Franzisca*, is evidently contradicted by Agathias, from whom it is apparent that the Frank weapon, which he calls *ἀγγων*, took its name from the Franks, not gave its name to them. The opinion of Cluverius, Wachter, Möser, and Gibbon, who, regardless of the tautology of *Free Frank*, make the *Franks* to be synonymous with the *Free*, is entitled to greater consideration, as well from the weight justly due to their judgment, as from the notorious fact that, throughout the western world, during the middle ages, the word *Frank* appears constantly in the sense of *Free*, and is so naturalised in the French language. In the Salic law, and in the Capitularies, *Francus* is a freeman *optimo jure*; the Assize of Clarendon writes *Francus tenens* in the sense of *libere tenens*; and the constant recurrence of such words as *Franc-alen*, *Franche-ley*, *Franc-fief*, *Franchise*, in the feudal laws and charters of France and England, is an evidence of its almost exclusive use to denote objects legally in perfect liberty. And yet, in no German dialect, is the word "*Frank*" found to signify *free*. In the old Gothic "*free*" is *frija*; in the Anglo-Saxon, *freo*; among the Franks themselves it was *frio*; among the Alemanni, *frig*. The Franks called themselves Frankon or Vrankon; the Anglo-Saxons termed them Francan, and with this latter people the term *Franc-land* did not denote free-land, but the land

of the Franks. By the classical writers their name is variously written *Franci*, *φράγγοι* and *φράνκοι*; the word, therefore, cannot be traced to the German root *frei*. Wachter, who, in cases of difficulty, usually has recourse to the Celtic, derives Frank from the ancient Celtic word *Franc* or *Franch*, free; but, in fact, the Celtic language has no such word; it is there only an adoption. It is not found, as a root, in the Gaelic, Irish, or Welsh; and it crept into the Armorican after the subjection of the Armoricans by the Franks; and so into Pezronius, in the same manner as it crept into the languages of France, Italy, and Spain. For, throughout the wide extent of the Frank empire, the Frank was the sole free man. He paid no tax, while all others were tributary; his lands were subject to no impost, while the possessors were liable to tribute and a variety of burthens. Hence arose the broad distinction between Frank tenure and tenures of other denominations; the former being synonymous with free, the latter with servile payments and duties; and hence the universal application of the word Frank in the language of the law. But it was a consequence, not a cause. And if the earlier documents of the Frank monarchy be attentively examined, the gradual progress of the same word Frank, to the later general sense of *Free*, may be traced. The Salic law has *ingenuus Francus*, and *homo ingenuus, sive Francus* (Lex. Salic., xliii. 3, 8); consequently the term Frank could not of itself, at that time, signify *free*; but in the Capitularies we find *Francus homo, Franca femina, Franca filiastra*, apparently in opposition to *unfree*. The further transition is very easy. The Franks, therefore, were not Franks because they were free, but they were free because they were Franks. They carried with them, wherever they ruled, this prerogative of birthright, nor can it be a matter of wonder that subjected peoples should consider liberty as Frank-dom.

A more probable source of the word *Frank*, especially when its form in the various dialects and languages is considered, appears in the old German root *Wrang* (Anglo-Saxon *Wrang*; Belg. *Vrangh*), fierce, fell, ferocious, which seems allied with the verb *Wringen*, to fight, bend, or subdue. It has been before remarked, that epithets of this nature are the most common of all others in the rudeness of heroic times, but to the general probability may also be added the testimony of many of the annalists who wrote previously to the ninth century. Isidore writes: "*Alii eos a feritate morum nuncupari existimant; sunt enim in illis mores incondite, naturalisque ferocitas animorum*;" Airnoin and the author of the *Gesta Francorum* repeat the same opinion, which seems countenanced by the Prologue to the Salic law, which styles the Franks "*Gens inclyta, audax, velox et aspera*." Many similar authorities might be ad-

duced, and even in the twelfth century, when ferocity would scarcely be received as a compliment, Otto Frisingensis tells us that the word Frank signified either *ferox* or *nobilis* (Isidor. Orig., ix. 2; Arnoin Gest. Franc., xiii.; Otto Frising., i. 25); words, it must be admitted, of almost the same import at the period when the Franks first came forward in history.

The tale of Troy supplied the most popular tradition of the oriental origin of the Franks. As Virgil traces the descent of the Romans from Æneas, so the clerkly writers of the time of Frank ascendancy must invent for the nation a more celebrated birthplace than the swamps of the lower Rhine. After the destruction of Troy, they tell us, and the flight of Æneas to Italy, Priam and Antenor, with twelve ships, took to the sea, sailed through the Mæotic waters to the Danube, and wandered into Pannonia, where they settled for a long time and built a city, which they called Sicambria. Here they became a mighty people. This was in the time of Valentinian, whom they aided in his wars with the Alans, and by whom, in reward of their services, they were freed for ten years from tribute, and honoured with the title *Frank*, which is the Greek term for *fierce*. Prosperity made them proud, for at the end of ten years they demurred to the re-establishment of the tribute; Valentinian defeated them in a battle, in which their prince Priam fell, and the nation, under the leading of Marchomir and Sunno—the former the son of Priam, the latter of Antenor—forced their way to the banks of the lower Rhine, where they built a city, which they called Xanthen (Gest. Franc., i. 4; Fredeg. Epit., ii.), in remembrance of the rivulet Xanthos in the Ilian plain, and Faramund, Priam's grandson, became their king. The Mährchen was probably invented by Roman clerks, to flatter the vanity of their barbarian masters; if of Frank parentage, it carries upon its face a date posterior to the introduction of classical literature into the Frank monasteries. It seems, however, to have been embellished, and made circumstantial by degrees; for Gregory contents himself with stating, upon hearsay, that the Franks appeared first in Pannonia, whence they found their way to the Rhine, and thence into Thuringia (Tungria), where they formed many states, over which ruled long-haired kings, elected out of their first and noblest families. (Greg. Tur., ii. 9.) It is much to be regretted that these insipid fictions should have superseded the national songs, which were their only national history; fragments of these songs, in which their wars and the deeds of their ancient chiefs were celebrated, were still extant in the time of Charlemagne.

These fragments, had they been preserved, could scarcely add strength to the moral conviction that the Franks were the old, im-

memorial, and hereditary foes of the Roman commonwealth, who had been, time out of mind, settled about the lower Rhine, and whose forays across the Rhine would naturally be prosecuted at every favourable opportunity; nor can it be doubted that no occasion would be passed by, which presented an opening for inflicting a blow upon the ancient enemy, and gathering plunder at his expense, though few notices of their proceedings prior to the fourth century appear in the ancient writers. In the time of Gallienus, Franks are said to have supported Posthumius (Trebel. Poll. in Gallien., vii.), who had made himself emperor in Belgic Gaul. Franks are enumerated among the captives exhibited at the triumph of Aurelian (Vopis. in Aurel., xxxiii.) while Probus was occupied by the Alemanni, his lieutenants are reported to have been successful against the Franks. Franks also embraced the party of the usurper Proculus (Id. in Proculo., xiii.); but abandoned him and delivered him up to Probus, whence the words of Vopiscus: "*Francis familiare est ridendo frangere fidem.*" An exploit of a daring nature is also related of the Franks in the time of Probus. That emperor had plundered a colony of Frank captives in Thrace, on the borders of the Euxine sea, but they mastered the shipping on the coast, committed themselves to the mercy of the winds and the waves, passed the Bosphorus unobserved and unmolested, and, after plundering many places in Greece and Asia, as well as Carthage and Syracuse, succeeded in penetrating between the pillars of Hercules, and landed happily at the mouth of the Rhine. What was the voyage of the Argonauts to this? Doubtless like the Greek adventure, the Frank voyage would be the theme of many a mythic song, and it is not impossible that its remembrance may have contributed something to the preceding Saga, which mingles so strangely together Troy and Pannonia, the Mæotis and the Rhine.

In the time of Dioclesian the coasts of northern Gaul, as far as Armericum, were infested by Frank and Saxon pirates; Carausius, who was sent to the protection of the country, is charged with conniving at the escape of those whom he captured, and with keeping the recovered booty himself instead of restoring it to the rightful owners; and when, in fear of punishment, he fled, with the Roman fleet, to Britain, and assumed the purple, he strengthened himself by an alliance with the maritime barbarians. (Eutrop. ix. 21; Eumen. Panegy., iv. 12; Aurel. Vict. in Cæs., xxxix.) If these were really Franks, they must either have dropped down the Rhine with their ships, or have been already in possession of the Batavian isle. The latter seems the most probable; for, in 288, Maximian, if we may trust the panegyric delivered in his honour

at the court of Treves by Claudius Mamertinus, defeated some bands of barbarians, undoubtedly Franks, who had penetrated as far as Treves, pursued them to the Rhine, restored Genobon, (Genobandes) a Frank prince who had been deposed, and planted a colony of Frank captives in the wastes of the Treviri, and the Nervii. (Mamert. Paneyg., i. 6.) Constantius, who followed Maximian at Treves, is lauded by another orator, Eumenius, for having cleared the Batavian island ("which can scarcely be called land, for its firmest parts tremble under the tread,") (Eumen. Paneyg., iv. 8, 9) of the Franks who possessed it; tells us, in lofty phrase, how Franks, men, women, brides, girls, and boys, were divided among the Treviri and Nervii, and how the Chamavian and the Frisian, those wild and wandering robbers, were forced to watch the nod of the Roman Cæsar. But these great words carry with them little actual significance. The orators speak a language peculiar to themselves. When the Franks withdrew with their booty across the Rhine, the Panegyrysts called it a victory; with them a battle gained over a body of roving barbarians was the annihilation of a people; a casual foray of the Romans over the river into barbarian boundaries, was extending the limits of the empire, a buying off of an attack was the restoration of public safety. Perhaps in the whole circle of ancient literature there is not a more amusing book than the volume of *Panegyrici veteres*. It is not that the events which the writers celebrate are altogether fictions, but they exalt the mole-hill into the mountain. It is their principle, enormously to magnify the glorious, to gloss over the adverse; nothing, they assert, can be literally admitted, but every admission that escapes them may be taken as an index of some greater calamity. That the predatory bands would frequently meet with reverses is probable enough, and we find that, twenty years after the exploit of Constantius, two Frank leaders, Ascarich and Radegais (Rade-gast) were captured by Constantine, and thrown to the wild beasts, in the amphitheatre of Treves, to the infinite delight of the spectators. (Eutrop. x. 3.) Hence Nazarius, many years later, compares the emperor to Hercules (Nazar. Paneg. Vet., ix.), because he had crushed these two dragons in the infancy of his power. Eumenius calls the murder an unfading and everlasting victory. To venture to have the revenge and hatred of the barbarians is, in the mind of the orator, a greater glory than all the battles won in antiquity. "Let them hate, he exclaims, if they do but fear! No physical bulwark is invincible; fortresses on the boundaries are more an ornament than a protection, but dread is an insurmountable barrier; never again, after the fate of these kings, will the Franks venture to pass the Rhine." (Eumen. Paneg. vi. 12.) The universal dread,

imagined by Eumenius, had only a short duration, for, in the following year, another invasion, by the barbarians, occurred. It seems that the cruelty of Constantine, far from intimidating, gave rise to a new alliance, consisting of Bructeri, Chamavi, Tubantes, Vangiones, of all the names which the orator had read, with whom revenge was now added to cupidity. Constantine was again victorious, and this time he delivered all the captives he made to the wild beasts; a third time the Franks arose, were again defeated, and, on this occasion, the prisoners avoided the beasts by a voluntary death. (Eumen. Paneg., vi.; Nazar. Pan., ix.; Paneg. Incert. viii. 23.) These facts must be gleaned out of the Panegyrists, who, in that miserable period, were the sole historians. In the tumid cloud raised by their breath, may be faintly discerned that Constantine was, to a certain extent, successful in his encounters with the Franks, and that, in the youth and bloom of his empire, he endeavoured, by cruelty, to deter them from future ravages. The Frank games (*Ludi Francici*) which he instituted in commemoration of his successes, were appointed to be celebrated yearly, from the 14th to the 20th of July.

But Constantine soon discovered a way more efficacious than torture to rid the empire of the hostility of the Germans. Instead of punishment he offered gold. The barbarian nations were appeased by yearly subsidies; the young and more enterprising among them, instead of ravaging the provinces, found it more profitable, more productive of pleasure and renown, to push their fortunes in the Roman service. The custom of subsidising the barbarians had some singular consequences. It was in their eyes the purchase-money of forbearance; the withholding of it was the withholding of a right; and a delay in the payment was regarded as a wrong which left them at liberty to right themselves. So long as Constantine lived, the nations of the Rhine were quiet, but the dissensions of his sons probably deranged the delivery of the customary subsidies; for in the year 341 the Franks took advantage of the disorders to repossess themselves of the northern part of Gaul; and though Constantine is said to have subdued them (Socrat., ii. 10), the Batavian isle and the contiguous country were left by treaty in their possession. From this time the Franks took a prominent part in the commotions and revolutions of the Roman world. Magnentius was a Frank; and after his fall the Franks began to break into the cities of Gaul, sometimes independently, sometimes in conjunction with the Alemanni, so that in Julian's day not a single fortress remained on the lower Rhine, with the exception of Remagen and a solitary tower at Cologne. Julian having, in 356, repulsed the Alemanni, turned towards the Franks, re-captured the long-lost

Cologne, which they were careless of garrisoning, and concluded with them a peace, by the terms of which he was left in the coveted possession, whose defences, however, had been many years in ruins. (Amm. Marc., xvi. 3.) It was the only town on the lower Rhine which he recovered. After the battle of Strasburg, his lieutenant, Severus, being on his way to Paris by Cologne and Juliers, fell in with a body of roving Franks, who, to the number of six hundred, threw themselves into two abandoned forts on the Maas, and there defended themselves; and it cost Julian himself a siege of fifty-four days ere he could compel them to submission, on which, as they were wonderfully fine men, he sent them as a present to the Emperor Constantius. Julian's attention being thus turned to the Franks, he employed an interval of leisure, while he was at Paris, maturing preparations against the Alemanni, in a raid into the country of the Salii, called Toxandria, the district between the Scheldt and the Maas. Providing himself with twenty days' provision, he appeared at Tongres when he was believed to be at Paris. There could be no resistance, and Julian granted them peace on their submission, and recruited his army with Salian youth. From thence he marched towards a neighbouring Gau, that of the Chamavi (Amm. Marc., xvii. 8), which extended along the Waal, northward of that of the Salii, who, after a short resistance, also submitted, and were received into alliance upon similar conditions, their king giving his son as a hostage, whom Julian promised to educate and provide for. It appears to have been the desire of Julian to conciliate the Frank tribes which had settled themselves in Holland and northern Belgium, partly with the view of strengthening himself by their means, and partly with reference to their geographical position, which was almost inaccessible from its swamps to attack, and yet was particularly favourable for interrupting by sea the communications of the Romans. Eunapius expressly says that no supplies of provisions could be brought out of Britain for the use of the Roman colonies without the consent of the Chamavi. Julian built, however, or restored, three forts on the Maas, in order to restrain them on the southern border; but, in 360, the Attuarii, a Frank tribe, which then dwelt about the Lippe, having ventured to cross the Rhine on a plundering excursion, he found it necessary to follow them into their own rough and mountainous land, and the long unaccustomed boldness was rewarded by speedy submission. (Amm. Marc., xx. 10.) Thus, in Julian's time, the whole left bank of the lower Rhine was in the hands of the Franks, who coursed over the open country, avoiding the few cities whose fortifications were still undestroyed. Frank tribes, Chamavi, and Salii, were permanently settled in the Netherlands

and Belgium, particularly about the estuaries of the great rivers, while new hordes were inflicting their casual visitations upon various parts of northern Gaul, and new settlements in waste places were gradually formed. They do not, however, appear at this time frequently to have approached the Moselle; Treves was still the chief seat of the Roman government.

There is this distinction to be drawn between the settlements of the Franks and Alemanni in Gaul, and the emigrations of the Gothic nations from eastern Germany; that the former were in constant connection with their paternal soil, while the root of the Goths, the Vandals, the Heruli, the Burgundians, and the Lombards, who wandered into distant lands as peoples, with the whole nation, old men, women, and children, in their native Germany, was severed. Settled as they were, strangers among strangers, they must rely upon their own strength, for their numbers could not be recruited. Once defeated, they were annihilated as a nation, and had no alternative but to sink into the condition of subjects. The Franks, on the contrary, had an inexhaustible spring of strength in the constant intercourse with Germany. Their first irruptions, being not emigrations, but raids, for the purpose of gaining booty, were made by men only, who returned home to share the spoil with their friends. And when, by degrees, they obtained possession of portions of Belgic Gaul, they did not emigrate as a nation, though it is probable that the Wehrman would, as soon as possible, bring over his family to their new home, and that the young men would seek wives in the old country. Thus the connection with Germany was constantly kept up. The Franks had a continual resource of recruiting their power, of which other German peoples were destitute; and we find that reinforcements of Germans, who, coming to serve the Frank monarch, and to avail themselves of Frank advantages, were called Franks, were continually crossing the Rhine so late as the days of Pippin and Charlemagne. Here, perhaps, we have one great cause of the prosperity of the Frank Empire.

From the time of Julian's departure from Gaul to the close of the fourth century, little is heard of the Franks beyond the casual mention of Frank Adelings who were in the Roman service. They seem to have been gradually extending their settlements in northern Gaul; their views were changed by degrees from plundering expeditions into the acquisition of land; for, in the reign of Honorius, the open country north of a line drawn from the mouth of the Moselle to that of the Somme was in their hands; the cities, for the most part, maintaining a precarious resistance. Another expressive sign of the wane of Roman power is the removal of the seat of government from Treves to Arles, from the northern to the

southern extremity of Gaul, which took place about the year 400. From this time Belgium vanishes clean, for many generations, out of history; the Rhine itself is seldom mentioned. The last time the Romans approached its banks in arms was during the war of Theodosius and Maximin, when three Frank Adelings, Genobaud, Marcomer, and Sunno, having, either for plunder, or on the invitation of Theodosius, ravaged the borders of the Moselle, Nannienus and Quintinus, lieutenants of Maximin, made head against them; but the Franks were already away (Greg. Tur., ii. 9); and Quintinus, venturing to cross the river at Neuss, in their pursuit, was so roughly handled that few of his soldiers saw Treves again. Such is the account of Sulpitius Alexander. Claudian, some ten years later, represents Sunno as falling by the sword, and Marcomer as exiled into Tuscany from a very different cause.

The abandonment of Belgium must be ascribed more to the weakness and despondency of the Romans than to the might of the Franks, who never, during this period of darkness, appear under a single leader. No conqueror, like Alarich or Adolf; no hero makes his appearance; no king of the Frank nation is heard of, until we stumble on the fictions of the monastic chroniclers. Prosper, in his chronicle, writes, "*26th Honorius, Faramundus reigns in Francia;*" and this meagre notice has been expanded by the author of the *Gesta Francorum* into a circumstantial statement that the Franks (A.D. 420), desirous of having like other peoples a king over their whole nation, took counsel of Marcomer, and by his advice elected Faramund, the son of the same Marcomer, and raised him above them (on the shield) as the long-haired king; that this Farimund was the father of Clodio, and the ancestor of the Merovingian race. One hesitates to apply criticism to the writer who indited the wonderful story of the wandering of the Franks from Troy; but the unaccountable currency which the fable of Faramund has acquired through later authors, make a short examination of it necessary. Gregory of Tours, who lived an hundred and fifty years nearer to the supposed epoch of his reign, knows nothing of King Faramund (Greg. Tur., ii. 9; Fred. Epit., ix.); but, on the contrary, states that Theotmer was the father of Clodio; a statement which is repeated by Fredegarius. Sidonius Apollinaris, who flourished a century before Gregory, mentions no Faramund, whose existence rests entirely upon the authority of Prosper. It is possible, after all, that Faramund is not a proper name, but the title of an officer. Composed of Fara—race, people; and Mund—guardian or ruler, it may mean no more than Dux or Thinda; for a kindred, if not identical, word is still retained in the German language, Vormund being at the present day the legal appellation of the administrator

or guardian of a family. It is not improbable that the clerk of Aquitain, ignorant of the German language, having heard of some Frank tribes having a Faramund over them, mistook it for the functionary's name. As for the term Francia, it might embrace every country in which the Franks were settled. The Pentinger Table places it far beyond the Rhine; but no one will assert that even the Franks of Gaul were united into a single monarchy before the time of Chlodwig, to say nothing of the Franks of the original Francia.

It is still probable that several tribes of Franks may have united themselves under a temporary Thiuda, in order to prosecute with greater power some particular schemes of conquest; such had been the German custom in all ages. Clodio (Greg. Tur., ii. 9) and his father, Theodomer, may have been leaders of this nature. Already, in 420, had Treves been twice sacked by the Franks. Salvian, who wrote shortly after 441, describes the imperial city as having been four times plundered, Cologne as having been long in Frank possession; and Clodio, who seems to have flourished about the same period, is reported to have dwelt at Dispargum, on the borders of the Thuringians, and to have captured the city of Cambrai. Sidonius, who must have been living at the time, mentions, also, the conquest of Belgica secunda by this Clodio, and gives a lively description how he was surprised by Ætius, the Roman patrician, a Pannonian by birth, who, under Valentinian, ruled the empire, as Stilicho, forty years before, had done under Honorius, at Vicum Helenæ (now Vieux Hedin), while celebrating with his Franks a marriage festival on the banks of the Cauche (Sidon. Apoll. Panegy. Majorian, ccxii.); in the same Panegyric he paints, in colours which remind us of Tacitus, the make and habits of the Franks: the powerful build, the blue eyes, the clothing fitted to the limbs, the yellow hair, combed into flowing ringlets. Prosper, Idatius, and Cassiodorus briefly mention a defeat of the Franks by Ætius; Idatius adding, that peace was afterwards made with them, and that they were received into the Roman alliance, a phrase, of which the meaning is,—that they were permitted to retain the land they had taken possession of. Circumstances so particular, related by a contemporary, and corroborated by so many others, place beyond doubt the existence of a Frank Chüning called Chlodio, or Chlodwig; who, from his position, must have been either of the Salian or Chamavian tribes, which were established about the estuaries of the Scheldt, Maas, and Waal. It is probable that he united all the Franks of that neighbourhood under his temporary command; that is, that the other Frank Chünings served under him for a time. That he ruled beyond the Rhine, is

impossible; that his general authority in Belgium was temporary, appears from the number of Frank Chünings who, a few years later, are found governing in that country; that he was an ancestor of the Merovingian (Greg. Tur., ii. 9) house, is very uncertain, as Gregory himself admits: "In the time of the great Chlodwig Raganar, or Ragnachar, a Frank Chüning was king of Cambray, the city which had been subdued by Chlodio; it seems most probable, therefore, that Chlodio was an ancestor of Raganar, not of the Merovingian family."

The Burgundians, as well as the Franks, appear to have made an attempt, about the same period, to extend their possessions on the side of Belgium. They had crossed the Rhine, with the other barbarians, in 407; and their Chüning, Gundicar, or Gunthiar (Olympiod. Excerpt. de Legat. Byzant. Script., i. 454), had, shortly afterwards, united with Goar, the Chüning of the Alans, to raise to the imperial throne the Gaul, Jovinus; on whose fall, Constantius, the lieutenant of Honorius, contemplating a war with the Wisigoths, thought it more politic to ally himself with Gundicar, and assigned to the Burgundians a portion of Germania prima (Prosper Chron. Lucio Cons., A.D. 414), probably the Wasgau, for a settlement. This must have been about the year 414. The Burgundians seem to have continued in that locality for the following twenty years in tolerable tranquillity, apparently on good terms with the Romans, and, during that period, to have conformed to the Christian religion; for Orosius (vii. 33), at the time he closed his history, speaks of them as being already exemplary Catholic Christians, though their Chünings fell off afterwards to the Arian heresy. Socrates describes the particulars of their conversion (vii. 30): how an ancient bishop preached to them; how they desired to hear more; how, being come to a certain city of Gaul, supposed by some to be Treves, they besought the bishop that they might receive Christian baptism; how he commanded them to fast seven days, during which he instructed them in the rudiments of faith, and, on the eighth, baptised and dismissed them. But the narrative is mingled with so many errors, chronological and historical, that little dependence can be placed upon it. During the whole time of their abode in the Wasgau, the same Hendin, Gundicar, ruled over them, it may be presumed, with no ordinary power; but, in 435, pressed, perhaps, by other barbarians, he broke into Belgia, and was defeated, with great loss, by Ætius; who, notwithstanding, entered into a treaty with him, and it was probably at this time that their territory was enlarged in the direction of the Jura, Helvetia, and Savoy. There is, notwithstanding, nothing certain in history as to the precise time when the Burgundians first came into the country after-

wards known by their name, though they are found quietly settled in it a few years posterior to their treaty with Ætius; neither is anything known of the predecessors of Gundicar in the office of Hendin, except that, in the Burgundian law, supposed to have been composed towards the close of the fifth century, Gundibald speaks of Gibica, Godomar, Gislahar, and Gundahar (*Lex Burgund. Tit., iii.*), as being the predecessors of his father and uncle.

The great object of Ætius, in his treaties with the Franks and the Burgundians, appears to have been the planting of a frontier soldiery of allies on the borders, by which the irruptions of new hordes of wild barbarians might be checked; such had long been the policy of the Romans, though, now, the limits of their empire were so fearfully contracted. There still remained in Gaul, unsettled, the bands of Alans, who, on the departure of their comrades into Spain, had staid behind, under their leader, Goar; and had, with the Burgundians, been the main instruments of the elevation of Jovinus. On the ruin of the usurper, they had joined the standard of Adolf; but, during the siege of Bazos, had deserted to the Romans, and seem, from that time, to have lived in the Roman service. In the year 440, Ætius (*Prosper. ad ann. 442*), perhaps with the view of placing a barrier against the Wisigoths, assigned to them the district about Valence, in Dauphiny; from which, with very unusual savageness, they drove the Roman occupiers. The Roman Patrician had granted them land, on the condition that they should divide it with the present possessors; but, finding some resistance, they took the whole, and expelled the owners. The treaty with the Burgundians was, doubtless, made on the same principle of partition; as we find afterwards that such a partition had actually taken place. Ætius had undoubtedly the legal right, according to Roman law, so to deal with the land; for according to the theory of the law, the property in the soil was vested in the Roman people; but nothing can more strikingly illustrate the desperate situation of the Roman government, and the wretchedness of the provincials, than this legal transfer of their possessions to armed strangers.

Thus, in the middle of the fifth century, Belgium and the Ripa, from the mouth of the Moselle to that of the Somme, extending northwards as far as the old Rhine and the Frisians, were in the hands of the Franks; though some of the cities within that line might still defend themselves under the nominal supremacy of Rome. Alsace and the upper Rhine, together with Rætia, Vindilicia, and the northern part of Helvetia, were overrun by the Alemanni; Burgundians appear settled about the Jura and the Vogesen, Alans in Dauphiny; the Wisigoths were in possession of southern Gaul from Narbonne to Bourdeaux; the centre of Gaul.

from Belgium to the Wisigoths, with the old Provence, still acknowledged the authority of Valentinian. But the continuance of this authority depended upon the skilful balancing of one barbarian might against another; as it was, the coasts were exposed to constant piratical visitations from the Weser and the Elbe, while in the interior the cities alone were secure; for the open country often suffered from barbarian excesses, and was often troubled by risings of the Tributaries themselves; who, driven to desperation by the insupportable weight of their burthens, exceeded, under the name of *Bagaudæ*, the devastations of the Germans. Spain and Africa were lost; the former was, for the most part, occupied by Sueves and Wisigoths; the latter was in the hands of the Vandals. In the ancient Germany all is darkness, except that Saxons appear on its northern coast from the Ems, far beyond the Cimbri peninsula. Then occurred the irruption of Attila.

The Huns, for nearly half a century after their first break into Europe, appear to have continued in tolerable contentment, roving in the wide spread pastures, which extend about the northern shores of the Euxine, and along the valley of the lower Danube; exercising a gentle sway, which was probably no more than a moderate tribute, over the more stationary Goths; who, after the emigration of the great body of their nation, had remained upon their native soil—a sway which spread gradually wider on the side of Germany, though the want of union among the Hunnish tribes, after the death of Balomir, would naturally prevent any schemes of distant conquest. Their residence on the Danube, and their contact with the Roman world, had, perhaps, smoothed away something of their original wildness; for their state was open to Roman tradesmen, many of whom preferred the security they found among the Huns, to the uncertainties of home; and the great men, whom party intrigue often drove from the courts of Milan and Constantinople, not unfrequently found a refuge among the Huns. Hosts of Huns were in Roman pay, and their services were alike known and appreciated in Greece, Italy and Gaul. But the communication with the Roman empire, while it had taught them something of its arts, had taught them also a knowledge of its weakness, and a contempt for its rulers; and it required only a man of popular talents to unite the tribes for the purpose of planting a Hun empire on the ruins of the Roman. Such a man was Attila, the son of Mundzue, or Mundiuch, who, in the year 433, with his brother Bleda, succeeded to his uncle Rua in the chief authority over the Huns of the Danube. Rua had received an annual tribute of 350 lbs. of gold from the Roman government; but, Attila, in the year of his accession, concluded, at Margum, a

treaty with Theodosius, which doubled the amount of the subsidy. From this time, though Thrace might be afflicted with an occasional visitation, he seems, for the next fifteen years, to have been occupied by the subjection of the tribes of the north; and no man who ever reigned in Scythia, according to the evidence of Romulus, a Roman ambassador, ever effected such great things in so short a period, for, "in addition to the united hordes of Scythia, his power extends to the isles of the ocean, and the Romans themselves are among his tributaries." But all accurate information of his progress fails. The isles of his kingdom may be the distant isles of the Indian ocean, or creations of the imagination. (Byzant. Script., i. 147.) To the Roman government he was a formidable and troublesome neighbour, who, conscious of power, and careless of right, omitted no occasion of terror or vexation to enhance the amount of the yearly tribute. Sometimes threatening, sometimes plundering the borders, ever encroaching, he made himself master of both banks of the lower Danube; and forbidding the recruiting of the Roman armies by Hunnish soldiers, rigorously demanded the delivery of Hunnish fugitives. And yet he is said to have been, by his mildness and love of justice, so popular among the Huns, that they willingly followed wherever he chose to lead them (Jornand. xxxvi.); even among the subjugated nations of German and Sarmatic race, he seems to have had faithful friends; and the Gothic historian describes him as subtle in negotiation, scientific in warfare, placable to the humbled and kind to those whose allegiance he had once accepted.

Priscus has left us a description of a journey made by him, in 448, in the train of Maximinius, an envoy of Theodosius, to Attila's court, and a lively picture of the domestic habits of the Scythian autocrat. His journey by Serdica and the ruined city Naissus to Attila's camp, which, for the moment, lay beyond the Danube, apparently nearly opposite to Widin; the fifteen days' further travel to the village where was his fixed residence, which is placed by Otrókocsi near to, or at Jasz Biriny; the timber-house and its barbarian splendour, the personal habits of Attila, simple almost to affectation, the profusion of gold and silver vessels on his table contrasted with his own wooden cup and platter, the wassail of the guests, and his own solitary dish of flesh are admirably painted by the first of our historians from the fragments of the sophist's work. My humble task is to show, as far as possible, the effects which the pressure of Attila produced upon the German peoples, and in this all is confused and indistinct. Of the German nations, which in the year 450 appear under the domination of the Huns, the Ostrogoths and the Gepidæ, both of Gothic lineage,

were the most distinguished. The submission of Hunimund, the son of the great Hermanerich, with a portion of the Ostrogothic people to Balamar in the time of Valens has been already mentioned; of those who withdrew with Vithimar, it is probable that only a number of Wehrmen, comparatively small, followed the young king Viderich across the Danube, and that the bulk of the Ostrogothic nation resigned themselves to the Hunnish sovereignty, extending themselves in the direction of the Danube, until they touched the borders of the Gepidæ. It is impossible, however, to speak with any certainty, owing to the discrepancies between Marcellinus and Jornandes, the only authorities on the subject. It may, indeed, be presumed that the Vithimar of the former is the Winithar of the latter; but Jornandes, who must be supposed to be well informed in Ostrogothic history, knows nothing of the young Viderich, the son of Vithimer. When Hunimund, he says, submitted to the Huns, Winithar, with those who disdained the yoke, withdrew into the confines of the Antæ, a Sarmatic folk, and slew their king, Box, and his whole family. But Balamber, indignant at the wrong done to his allies, took arms; two battles ensued, which were undecisive; but, in the third, which was fought on the banks of the river Erac, Winithar fell, pierced by an arrow from the bow of Balamber. The conqueror allied himself with a daughter of the Amala; the Goths submitted, but still elected their own king, who reigned "*consilio Hunnorum.*" (Jornand., xxxiii.) This king was Hunimund, who, as well as his sons, served the Huns in their wars; but his grandson, Berismund, from whom is descended the last of the Amala kings, fled alone to the Wisigoths; and Walamir, Theodomer, and Widemir, sons or grandsons of Winithar, appear at the head of the Ostrogothic nation. Walamer and Ardarich, the king of the Gepidæ, whose territories lay contiguous to those of the Ostrogoths, were among the chief friends and confidants of Attila. But, besides Ostrogoths and Gepidæ, the Historia Miscella enumerates, among the subject tribes of the Hun, Heruli, Turcilingi, Rugii, who dwelt on the Baltic sea, Quadi and Marcomanni, of southern, Sueves and Thuringians, of central Germany, Lombards of the Elbe. To these Sidonius adds Franks, Scyri, and Burgundians (Sidon. in Avit. Carm., vii. 319); the latter a poetical license, unless these were a remnant of that people still subsisting in the ancient Wingondahib; in fact, the whole of eastern and central Germany was united, either by fear or desire, against Rome and the Germans, who had settled in the Roman provinces of the west. Those against whom these mighty preparations were directed, those who were already in possession of fertile Gaul, were

well aware of their own position and the aim of the invaders. Little inclined to exchange the nominal supremacy of Rome for the real sovereignty of Attila, all internal and national discords among them ceased; and Ætius found it a task of unexpected ease to unite Wisigoths, Franks, Alans, and Burgundians in a league for the common preservation. The causes alleged by Priscus for the breach of Attila with the Roman government seems totally inadequate to justify or explain it. The story of a dispute for the succession between the two sons of a Frank king, the younger of whom, he says, he saw with his own eyes at Rome, his yellow hair flowing profusely over his shoulders, is contrary to the national customs of the Germans; there was, at that time, no monarch of the Frank nation, and the fact of the appearance of Franks in both armies may be explained by Attila's Franks being German, while the Salians, and others who had settled in Belgium, stood on the side of Ætius. The demand of a lady of doubtful reputation in marriage was a pretext, not a cause. Indeed, all these things are straws; the true cause was ambition. Attila thought that the last hour of the Roman Empire was come, and that the world was the inheritance of the Huns. Occasions of quarrel are rarely wanting between the strong and the weak; it is the ancient controversy of the wolf and the lamb.

Attila's forces are stated by Jornandes at 500,000 men; other authorities raise the number to 700,000. The smaller number may be an exaggeration, though, doubtless, the united host was enormous. It must not, however, be assumed that the Hun brought with him these almost incredible myriads out of Scythia. As the avalanche increases in its sweep, so Attila carried with him every people which could not resist his progress; and all the nations of Germany which lay in his course were absorbed in the enormous mass. The place of assembly would be on the banks of the Rhine. Attila himself appears to have marched through middle Germany, and joined there the swarm of tributary kings which Jornandes ascribes to him, probably not far from the embouchure of the Main, near which the passage of the main body must have taken place, inasmuch as Metz, Treves, and Tongres, are described as the first victims of his ferocity. Gundicar, who, with the Burgundians, had endeavoured (perhaps in some of the passes of the Haardt or the Vogesen) to stem the torrent, was swept away with his whole army, himself and his entire family slain. Thence Attila directed his course to Orleans, apparently with the intention of crossing that river, and seeking out the Wisigoths; and there seems to be some reason to suspect a secret understanding with Saugiban, the king of the Alans, who was garrisoning Orleans, for the delivery of the city,

when the approach of Ætius and Theodorich, with the united army of Wisigoths and Romans, determined Attila to retreat, either from mistrust of his allies (Jornand. xxxvii.), or in quest of a more auspicious field. At Chalons sur Marne he awaited the coming of his adversaries, but not with his accustomed confidence. Influenced by distrust of his auxiliaries, by predictions of mischance, and of the fall of the victorious leader, he deferred the battle till the ninth hour of the day, in order that the approach of night might keep misfortune within bounds. The fight was terrible, confused, obstinate, and continued until brought to a close by a stormy night. According to Jornandes, 162,000 men fell on the field, in addition to 15,000 who had perished previously in a casual night encounter of Franks and Gepidæ. Idatius raises the number of the slain to 300,000. A rivulet in the field, says the tradition, was swelled by their blood into a torrent, from which the wounded, who were choking with thirst, recoiled; and the ghosts of the dead are said to have continued the combat in the air three days after the separation of soul and body. These wild Mährchen are an index to the feeling with which contemporaries looked upon the battle of the Catalaunian plains, which all succeeding ages have regarded as the greatest of recorded fields. "Nothing to be compared to it," says Jornandes, "can be found in all antiquity." (xxxvi. 41; Idat. ad xxviii. Valent.; Greg. Tur., ii. 5, &c.; Roderic. Tolet. de reb. Hisp., v. 3.) The name of Attila is preserved in traditions in countries distant from his march. In Switzerland, for example, the devastations, which have left so many smouldering ruins behind, are still ascribed by the country people to Attila. (John Müller, Schweiz, i. 91 n.)

The battle, great as it was, was not decisive. The Wisigoths and Romans timidly and doubtfully claimed the victory, a victory dearly purchased by the death of the old Theodorich. The Helden songs of the Wisigoths, to their ancient hero's memory, might indeed be heard in their camp; but within the circle of Attila's Waggonburg was also heard the song of triumph, accompanied by the clash of weapons; and the victors, says Jornandes, trembled at the sound, as the land trembles at the roaring of the lion when the hunters have beset him in his cave. (xli.) So much the more incomprehensible are the subsequent proceedings of the allies, who separated upon the spot in opposite directions, leaving Attila unmolested, if not master, upon the hard-fought field; and so much the more inexplicable the fact that Attila should abandon the prey, which he had come so many leagues to seize, at the moment when all opposition was removed by the dispersion of the confederates. Whatever may be said of the heroism of Ætius's character, it is

certain that, in the actual situation of the Roman Empire, his barbarian allies could be scarcely less objects of anxiety to him than the Huns; and the supposition of a secret intrigue with Attila is the only probable explanation of the events which followed the Catalaunian fight. He persuaded, as Gregory assures us, the young king, Thorismund, to depart, without a day's delay, to Toulouse, lest his brothers should contest the crown with him; and he got rid of the Franks by a manœuvre of a similar description. (Greg. Tur., ii. 7.) Can it be explained why Ætius should plot to rid himself of his most efficient allies at the very moment when their presence seemed most essential to secure the victory, except on the supposition that he was by no means desirous of the complete annihilation of Attila? Ætius had been long personally on a friendly footing with the Huns; he had been a fugitive among them, and he might, in the uncertainty of courtly favour, become a fugitive again. He had made war upon the Goths with Hunnish aid; a similar emergency was not beyond the bounds of probability. It is remarkable that in the night succeeding the battle he was for a long time missing; and that, stumbling in ignorance or mistake upon the Wisigoth camp, he gave out that he had been separated during the fight from his people. Had he been, as Luden surmises, in the Hunnish camp, and come to an understanding with Attila? When Thorismund, who burned to revenge his father's fall, urged an immediate attack upon the Waggonburg, the proposal was scouted by Ætius, on the plea that hunger was the surest means of reducing the Huns; and yet he voluntarily deprived himself of the means of a blockade; and no sooner were the Wisigoths and Franks departed than he also betook himself away, for Jornandes expressly mentions the absence of enemies. (xli., xlii.) All the historians of the time accuse Ætius of distrust and dread of, if not treachery to, his German allies. "*Sic humana fragilitas,*" adds Jornandes, "*dum suspicionibus occurrit, magna rerum agenda-rum occasione intercipitur.*" (xli.) These things can never be cleared up; but it must not be forgotten, on the other hand, that Attila, surmising, from the departure of the Goths, that their alliance with the Romans was broken up, resolved to turn his whole strength upon Italy; and, in 452, marched to Aquileiæ, which certainly does not look like an understanding with Ætius.

Attila died in 453. His death dissolved the empire which had been created and held together by his genius and energy; for, while his sons were disputing over the succession, many of the nations of which it was composed began to think of their ancient independence, and fall off from an alliance in which they had been so long kept by Attila's personal ascendancy. Ardarich (Jornand.,

1.), the king of the Gepidæ, the friend and counsellor of Attila, unable to endure that so many free peoples should be made subjects of agreement and partition, took the lead among the Germans in the movement, and brought about an alliance of many tribes of his race against the Huns. In Pannonia, on the banks of the river Natad, the united tribes of each confederacy met; the battle was adverse to the Huns, of whom 30,000 perished, with Ellac, the eldest and bravest of the sons of Attila; and the survivors withdrew on this defeat to the vicinity of the Euxine, whither the Germans had no mind to pursue them, where they established a new kingdom under Dengezic (Jornand., xlix. 50), another of Attila's children. Ernac, a third, settled with other Hunnish tribes in the lesser Scythia, in the neighbourhood of Dengezic, with whom he lived in friendship; Emnedyar and Uzinduc, of the same blood, fixed themselves in a part of Dacia, where afterwards the Bulgarians, also a Hunnish people, established a kingdom; while Uto, Iscalm, and many other Huns, led their tribes into Romania, where they settled, or roved about as they could. Into so many pieces fell the kingdom of Attila.

Some important changes in the geographical position of many of the German nations, particularly of those situated in the eastern parts of Germany, were the consequence of Attila's irruption to the west. His distant marches left many districts almost waste; and many tribes, which followed his standard so far, planted themselves, after his decease, in the vacant tracts where they accidentally found themselves. Of the most of them it is absolutely impossible to follow their movements. Jornandes, the chief source of information on the subject, is too confused and uninformed to throw light upon it; and many of the names he gives are so hopelessly corrupt that they are beyond the reach of enquiry and speculation. As far as can be made out, it appears that, after the battle of Natad, by which Pannonia fell into German hands, a voluntary agreement for a new division of the land was made among themselves by some of the more powerful of the German nations. Dacia was altogether given over to the Gepidæ, whose king, Ardarich, had stood foremost in the war of independence; the Ostrogoths, who had resigned their part of Dacia to the Gepidæ, were indemnified, by the cession of almost the whole of Pannonia, from the Wiener-wald to the embouchure of the Save, so that the two important cities of Vienna and Surmium (Jornand. l.) came into their possession. At the head of the Ostrogoths were the three Amala brothers, Walamir, Theodimir, and Widemir, by whom a treaty was made with the court of Constantinople, in virtue of which the legal possession of Pannonia was confirmed to the Ostrogoths, and an annual subsidy

assigned to them for their better subsistence. The Lombards received the tract of land lying to the north of the Ostrogoths and Gepidæ, extending from the Grau to the upper Theiss and the Carpathian hills; westward of the Lombards, on the ground where the Quadi, whose name henceforth disappears, had been so long settled, Heruli and Rugii had their portion. The Heruli, betwixt the Grau and the March, along the course of the Danube, from the Grau up to Presburg; the Rugii, in the so-called Rugiland, which lay higher up the stream, from the March to the Enns' mouth, and, above Vienna, extended itself on both banks of the Danube. Southward of Rugiland, stretching farther into Noricum, as far as the Alps, Turcilingi and Scyri planted themselves; northward of the Danube, and to the west of the Gothic tribes, Marcomanni, Harudes, Narisci, whose names also occur no more, are lost in the general appellation of Sueves or Suabians; Thuringians appear in the heart of Germany in the stead of Hermanduri; while, on the west, the Alemanni and the Franks are still found in their ancient seats along the right border of the Rhine. (Jornand., v. 52; Eugipp. in Vit. Sever., v. 8, 83; Paul Diac., i. 19.)

The storm had left untouched the north-western parts of Germany. For nearly a century the coasts of Gaul and Britain had been troubled by the Saxons, under which term was, perhaps, understood all the maritime adventurers of the northern coast of Germany, from the Rhine to the Cimbric peninsula, whose voyages every year were carried to a wider extent, and whose plunderings increased in audacity. The name Saxon appears for the first time to Ptolomæus, who describes the people as dwelling on the right bank of the Elbe, in the neck of the Cimbric peninsular, and on three islands near the Elbe mouth, which are supposed by Liebnitz to be Strand and Heligoland. On the same ground Tacitus, sixty years before Ptolemy, (ii. 2) had placed the Fosi, a name which occurs in no other writer; and it can scarcely be doubted that the Fosi of Tacitus and the Saxons of Ptolemy were the same people, whatever difficulty there may be in accounting for the sudden appearance of the term Saxon. (Cluv. Germ. Ant., iii. 87.) Adelung thinks the passage in Ptolemy surreptitious; and it is certainly strange that the Alexandrian should come at a name which was unknown to Strabo, Plinius, Tacitus, and Mela; and which does not occur again for many ages. (Widikind. lib., i.) As to the origin of the Saxons, there are many native Mährchen, though all comparatively of a late date. One tells us that they sprang out of a rock in the Harz, surrounded by trees; another, that they were part of the scattered host of the Macedonian conqueror, who, after his death, came by sea, and drove away the Thuringians; a third makes

them, on account of the supposed resemblance of name, Saci, out of Asia; Wachter, from the fact that the Anglo-Saxons called their language *English*, concludes that they were a portion of the ancient Angli. Their name, like other national appellations, has given rise to many unsatisfactory explanations, as Schach—robbery; Sassen—inhabitants; Sachsen—men bearing the *Saks*. Of these etymologies, the first, which is equivalent to *thieves*, seems totally inadmissible. Sassen is the High Deutsch, not the Saxon form of the word settlers or inhabitants, which in Saxon is *Sata*; there remains the more ordinary derivation from *Saks*, the knife, or short sword, which was their ordinary weapon; and this is the most frequent interpretation of the early Saxon writers. These short swords, peculiar to the sea people, perhaps owe their introduction to their greater convenience in maritime fights, which did not admit of wielding the great two-handed sword. The ordinary weapon of the Germans was a long, heavy, pointless sword, which was suspended on the right side. Plutarch describes the Cimbri, in which name Saxons were undoubtedly included, as making use of long and heavy swords.

To the Roman inhabitants of Gaul and Britain, during the third, fourth, and fifth centuries, the Saxons appeared chiefly in the character of pirates, who made occasional descents upon their coasts, and carried off their booty, of property and captives, back to their fastnesses of the Weser and the Elbe. They are first spoken of in history as infesting, in the reign of Dioclesian (A.D. 286), the coast of Belgica, and Armorica (Eutrop., ix. 21); Julian, in one of his orations (Orat., i. xxxiv.), mentions the formidable Saxons who dwelt beyond the Rhine, on the shores of the western ocean; they were consequently well known in the time of that emperor. Marcellinus, in 368, describes the Gauls as constantly exposed by sea and land to the depredations of the Saxons and the Franks (Amm. Marc., xxvii. 8; xxviii. 5), and relates, two years later, an adventure of a band of Saxons on the Gallic coast, which terminated unhappily for the adventurers. From this time the visits of the Saxons became so frequent, that the usual theatre of them, on the coasts of Gaul and Britain, received the appellation of *Limes Saxonica*, and a particular officer was appointed for its protection who was called the Count of the Saxon Shore. (Not. Imp., 1989, 1985.) About the same period it became known that the Saxons were not merely the tribe, described under that name, by Ptolomæus, the Fosi of Tacitus, nor even the sea-robbers of the north-west coast, but that it was the name of a powerful and numerous confederacy which extended far over the north of Germany. St. Jerome describes Francia as lying between the Saxons

and the Alemanni; Zosimus records the expulsion of the Franks, by the Saxons, from the Batavian isle; Claudian couples together Cimbri and Cherusci (Claud. iv. Cons. Honor.); Orisius, Isidore, and Paul Deacon agree in painting the Saxons as a people of great might, dwelling along the shores of the ocean, and among the inaccessible morasses of northern Germany, and Eginhard knows only two lands in his native country, Francia and Saxonia. All, therefore, beyond the Franks was Saxon (Oros. vii. 81; Isid. ix. 11; Paul. Warnf. xi.); and as the Frank and Alemannic confederacies had absorbed the original tribes of western Germany, so, in the north, whatever was not Frank—Chauci, Fosi, Angli, Vanni, Cherusci, Jutes, Frisones—appear, in the sixth and following centuries, included in the Saxon union. It is difficult to say in what this union consisted beyond the name of Saxon. The tribes appear to have preserved a complete individual independence, and to have preserved their separate objects and interests. In contradistinction to Ostrogoths, Wisigoths, Franks, Sueves, and Vandals, no king appears among them. Beda tells us the Saxons of the continent had no kings, but only dukes, and so late as the ninth century the Saxons are found living under twelve Adelings, one of whom, when war rendered it necessary, was elected temporary military chief, and laid down his office as the emergency was past. No Thiuda even of this kind is, however, known in history before the famous Widukind. (Bed. v. 11; Witald. Chron. Sax. 810, ap. Lindenb. 1347). It is among the Saxons, therefore, that the native institutions of the Germans were longest preserved; liberty lived there long after she had lost her character among the Franks and Wisigoths.

The geographical position of the Saxons was unfavourable to any scheme of national emigration. Cut off by the powerful confederacy of the Franks from the tempting plains of Belgium and Gaul, the sea was the only way by which they could obtain a portion of the spoil of the Roman empire, and it was doubtless this necessity which first led them to brave the ocean, and conferred upon them the equivocal renown which they acquired as pirates. It must not be imagined that they were conscious of any degradation in a piratical life. According to the morality of the age and people, theft stamped a man with infamy for life, but all that was taken in open fight, whether by sea or land, was the lawful prize of valour, and neither the Frank robber nor the Saxon pirate was sensible of any dishonour but his defeat. Neither was this indifference to natural rights peculiar to the barbarians. The only distinction in this particular between the untaught Germans and civilised Romans was, that with the latter the havoc was on a

grander scale, and unattended by any of those touches of magnanimity and kindness which are sometimes found in the legends of the sea kings. The sea life of the Saxons seemed totally unfitted for permanent conquest; their ships, calculated swiftly to land, and swiftly to return home with the booty, were necessarily small, and yet they succeeded in establishing the most completely German of all the kingdoms which were founded in the Roman provinces. In the year 449 Hengst and Horsa, two Jutes or Cimbri, crossed the ocean to the island of Britain, which, forty years before, had been abandoned by Ætius to native government with only three *cæsulas*, (Keels) and landed in Kent; they were followed, at various intervals, by other adventurers, Angles and Saxons, who, after fierce and bloody wars, exterminated or drove into the west the greater part of the Celtic possessors, and spread themselves over nearly the whole island, from the Severn and Cornwall to the German Ocean, and northwards as far as Northumberland. The conquest of Gaul, by the Franks, had made great lords out of simple Wehrmen (Gildas, xxiii.; Nennius, xxviii.; Beda, i. xv.); a single proprietor often possessed a whole lordship; the Mark-genossenschaft was thus annihilated, and the Mund was expanded into the feudal tenure. But the Saxons brought with them into Britain pure Saxon institutions. They themselves were no other than fellow-adventurers, who delegated the command to one of the race, or more briefly king, but to whom were allotted profits and prerogatives little greater than those of the other Wehrmen. When the Franks occupied the German soil, they succeeded to Roman arrangements in economy and government; they found the ground tilled by the tributarii and coloni, and the Cadastre of the Romans became the Cadastre of the Franks. When the Saxons, on the contrary, possessed themselves of Britain, Roman rule had already ceased, and of the Celtic population, the slight remains which survived on the soil after the war of extermination, sank into the condition of Theows. Hence it arises that the institutions of England are so purely and solitarily German. The kern of the people was German; the Ceorl was not like the Roman tributaries, a slave; the Thegn, not like the Roman possessor, a tenant for life, but an owner of free land. The principle of mutual responsibility, inherent in German society, was transplanted as well as the elective principle, into Britain. The Seignorial Free-borh of the Anglo-Saxons in no other than the Mund; the common Free-borh, the Mark; the Shire-mote, the Gau-genossenschaft. The Reeve, moreover, or alderman, of a shire is in name, as well as office, the Graf; and, perhaps, the great court which was held a month after Easter and a month after Michaelmas, were, in their origin, no other

than the Eostre and Thor feasts. It is true that the same long seclusion from the Roman world, which was so favourable to pure German institutions, was unfavourable to the diffusion of the light of Christianity. The Saxons of England continued idolators for some generations, and their brethren of the old country for almost two centuries after the conversion of the Franks.

In Gaul, the invasion of Attila had passed over like a summer tempest, leaving only temporary traces of its violence; for even the Burgundians speedily revived from the almost total annihilation which they are said to have suffered, and elected a new king, Gundioch (Greg. Tur., ii. 28); whom Gregory describes as a descendant of the Wisigoth persecutor, Athanarich. The expression, though remarkable, probably implies no more than that he was related by the female side of the Wisigoth royal house; for it cannot be supposed, notwithstanding the Gothic origin of the Burgundians, that the people would elect a Wisigoth; and the fact that not Gundioch only, but his brother, Hilperich, were at the same time Hendins of the Burgundians, seems conclusive that those princes, if not of Gundicar's family, were yet of Burgundian blood. Gundioch and Hilperich (Hilar. Epist. ad Leont. ap. Baron. 468, 4; Sidon. Apoll. v. Ep. 6.) ruled with great prudence, living in amity with the Roman government; in the many revolutions of which they exercised considerable influence, both in Italy and Gaul. They allied themselves, also, with the Wisigoths, whom they aided, in Spain, in the Suevic wars. (Jornand. xlviii.) After Gundicar's defeat, the Wasgau seems to have been altogether abandoned by the Burgundians, who extended themselves still farther to the south; Hilperich is said to have had his chief residence in the city of Lyon. The same policy was pursued by the successors of Gundioch and Hilperich, the most powerful of whom, Gundeald, availed himself of the final distresses of the western empire to swallow up the last remnant of the Roman province. In his time, the Burgundian state was bounded on the side of Gaul by the Saone and the Rhone, and included the two Burgundies, Dauphiné, a part of Provence, Savoy, Bern, Freyburg and the Wallis.

Frank history, as well after as before the Hunnish irruption, retains its primitive character of obscurity and fable. Shortly after the middle of the fifth century, Sidonius Apollinaris speaks of the Sicambri still dwelling about both banks of the Waal (Sidon. Apoll. Car. xiii. ad Majorian, xxxvi.), and complains, in a letter to a count of Treves, (Sidon. Apoll. L. iv; Epist., xvii.) that the language of Rome was no longer understood on the borders of the Rhine, and that her laws were fallen into disuse. Chlodio had, apparently, gone silently to his place of rest before the appearance of Attila;

they may have been his sons who contended for his inheritance; the Frank Chüning who was tricked by Ætius, may have been of his race; but no name is preserved by Gregory, nor does it appear over which tribe of Franks he presided. A Meroveus, or Merwig, is named shortly afterwards, it might be suspected for no other purpose than to account for the Merovingian name: for nothing is recorded of him, except that he was the father of Childerich, (Greg. Tur., ii. 9) the father of the great Chlodwig; and, if so, he can scarcely have been of the race of Chlodio. Fredegarius indeed makes him the son of Chlodio's wife, by a beast of Neptune, like a Minotaur, (ix.), which became enamoured of her as she was walking on the sands. The fable would lead us to the conclusion that King Meroveus and King Faramund were alike beings of the fancy; but as the tradition of the descent of the first family of French monarchs from a certain Meroveus is ur-old and constant, it seems likely that there was a Merwig, and that he succeeded in raising his own tribe and family to a height of public estimation which cast the race and people of Chlodio into the shade. Childerich, the son of Meroveus, is a somewhat more historical personage, though his life, as painted by Gregory, was a course of wild and impossible adventures. He is said to have fought at Orleans; to have possessed himself of the Saxon islands, by which, perhaps, may be intended the recovery of the island at the mouth of the Rhine, conquered, according to Zosimus, by the Saxons; to have entered into alliance with a certain Odoacrius (Odovaker), in conjunction with whom he subdued the Alemanni, who had possessed themselves of part of Italy; to have been expelled, by the Frank Wehrmen, for his licentious life; to have sought an asylum in Thuringia, where he corrupted Basina, the wife of his host, King Basinus; to have been again recalled by the Franks to Frankland, whither he was followed by Basina, not from love, but because he was the bravest Recke she had ever known, where she became the mother of Chlodwig. To attempt to separate the true and the fabulous in such a narration, were a vain and useless task; it is enough to know that Childerich died about the year 482 (Greg. Tur., ii. 18), and was succeeded in the chief power among the Salian Franks by his son Chlodwig, then a youth of fifteen, who was the true founder of the Frank monarchy.

Ætius, who for a time had held up the Roman state in the midst of the restless elements which threatened to swallow it, had fallen, in 454, by the hand of the wretched Valentinian, who, himself the last of the house of Theodosius, speedily followed his victim to the grave. With his death there was an end of the appearance of legitimate succession; one shadow appeared after another upon the imperial throne, according to the caprice or interests of Ricimer, an

Adeling of Suevic race, who, sometimes in the name of an imperial puppet, sometimes in his own, was for sixteen years the ruler of the western world. Rome and Italy suffered much from Vandal enemies, much from barbarian friends, during the dreary space which intervened between the death of Valentinian and that of Ricimer, which latter took place 18th Aug., 472. An even increased anarchy followed that event, until at length, in the year 476, Scyri, Rugii, Turcilingi, and Heruli, having entered into an alliance to take possession of Italy, their chief, Odovaker, a Syrian Adeling, was raised on the shield, at Pavia, as King of Italy, on 25th August of the same year, and the nominal western empire was finally broken up by the deposition of the last shade which called itself emperor, who is known in history by the contemptuous epithet of Augustulus. Augustulus, whose real name was Romulus, and who was little more than a child, fell, with Ravenna, into Odovaker's hands; and it is a noble trait in the Syrian's character, in an age when bloodshed was scarcely deemed a crime, that, far from taking the helpless lad's life, he allowed him an annual pension of 6,000 gold solidi, gave him the *Castella d'Ovo*, near Naples, for a residence, where he lived in peace in the bosom of his family.

The Roman name was in this manner extinguished in Italy; but in central Gaul there still remained a district of some extent, which continued in Roman possession, though, for some years before the annihilation of the western empire, its connection with the imperial government had been severed. In the year 461 the Emperor Majorian, having been deposed and put to death by Ricimer (*Idat. ad. ann. v. Mairon.*), one Libius Severus was appointed by the army to the vacant throne, and the choice was confirmed by the obsequious senate. But in Gaul it fell out otherwise. *Ægidius*, the Count of Soissons, who had owed his advancement to the dignity of *Magister Militiæ* to the dead Majorian, out of gratitude to his benefactor, refused to obey Severus and his master Ricimer, whose party was, on the other hand, espoused by Theodorich, second king of the Wisigoths. War ensued between them. *Ægidius* was supported by Childerich and the Franks; Theodorich, on the pretence of being the ally of Rome, obtained possession of Narbonne; but in a battle which took place near Orleans, between the Wisigoths and *Ægidius* with his Franks, the Goths were defeated, and Friedrich (*Idat. ad ann. 463; Marius Avent. Chron. ad ann. 463; Greg. Tur. lib. ii.; Sidon. Apoll. Carm. xxiii.*), the king's brother, who commanded them, lost his life. From this time Roman Gaul, from the Frank borders to the Loire, continued under the independent rule of *Ægidius*, who is called by Gregory king

of the Romans; and on his death he was succeeded by his son, Syagrius. Chlodwig, who, as has been related, followed his father in 482, began early to display the grasping spirit which marked his course through life; looked with a greedy eye upon the inheritance of Syagrius, and, in the fifth year of his government, entered into a confederacy with Ragnachar, the Chünig of the Franks of Cambrai (probably a descendant of Clodio), to conquer the last fragment of the western empire. A third Frankish Chünig, Chararich, was invited to join in the expedition, but held aloof, and his coolness was afterwards not forgotten. In the year 487 the confederates marched into the Roman territory; a battle ensued near Soissons, which was fatal to Syagrius, who fled, after his defeat, for refuge to Alarich, the king of the Wisigoths. (Greg. Tur., ii. 27.) Chlodwig claimed him from Alarich; the Wisigoth was weak or little enough to give him up to the Frank ambassadors; and he is said to have been secretly put to death by Chlodwig. The Franks possessed themselves of the territory about Soissons, in which city, which had been the capital of Syagrius, their Chünig established his residence. There was nothing now betwixt them and the Loire but a country without strength or protection, ready, like rotten fruit, to fall with the first shake of the tree.

Thus, in the year of our Lord Jesus Christ, 487, there was not a province of the western empire wherein nations of German race did not stand as conquerors. Italy was in the hands of Odovaker and his tribes of Heruli and Scyri. Gaul, from the Rhine to the Loire, was taken up by the Franks; and from the Loire to the Mediterranean, westward of the Rhone, it was occupied by the Wisigoths, whose empire extended over the Pyrennes to the Ebro. In farther Spain were Sueves and Alans; in Africa, Vandals; in Britain, Jutes, Angles, and Saxons were still contending with the Celtic population. Burgundians were settled about the Jura, occupying the ancient province, Savoy, Helvetia, as far as the Aar, which river divided them from the Alemanni who were in possession of Alsace, the Agri Decumates, Helvetia, north of the Aar, Rætia, and part of Vindilicia. Eastward of the Alemanni were Scyri, Heruli, and other tribes of comparative insignificance; in Pannonia the Ostrogoths, already meditating a descent into Italy. The very name of the Roman Empire in the west was blotted out; the ancient order of things was past; a new order had begun; new principles of society, new maxims of political power, new habits of thought and action, new modes of life and enjoyment were transplanted to Roman ground. The long fight with Rome—the fight

which commenced with Cæsar's passage of the Rhine—was over ; the victory of the Teutoberger-wald was consummated on the plains of Soissons ; and thenceforth the struggle was not between the German nations and Rome, but between the Germans themselves, to enlarge the territory of one at the cost of the other, and to gratify ambition or revenge.

CHAPTER IV.

The Frank Monarchy in Gaul.

THE victory of Soissons produced consequences which scarcely the most sanguine hopes of Chlodwig could have ventured to contemplate. It was not merely the annihilation of the last shred of the Roman empire; it changed the relations of the Salians to the other Frank tribes, and gave Chlodwig himself a personal preponderancy, not only over his own people, but among all the Frankish settlements, which led, at no distant period, to a sovereignty, which had hitherto been unknown among the western Germans. From the limits of Belgium to the borders of the Wisigoths, there was no power to meet him in the field, and though the silver and the gold, and other spoil, must be divided, according to settled rules, among the adventurers, the land and its inhabitants were his. For the distinction between national migrations, like those of the Goths and Burgundians, and the conquests of the Franks, must never be lost sight of. In the former instances, an innumerable multitude of families demanded bread, and a speedy possession of the land was necessary for their sustenance; while the Frank invaders may rather be compared to a company of adventurers; they were men only comparatively trifling in numbers, and the allotment of land was the reward of valour, not the necessity of subsistence. Thus, though the land came by conquest under the Frank sovereignty, it was the property of the nation, and the rules of military discipline established in an expedition, placed, naturally, the administration and allotment in the hands of the Theodo. No longer, therefore, merely the prince of the Salians of the Scheldt, equal, but not superior, to other Frank Adelings, but lord of a tract of country, which surpassed in magnitude the united Frankthum in Belgium, Chlodwig could amply reward not only his Salians, but the inde-

pendent adventurers, whom enterprise and success would naturally allure from beyond the Rhine to his standard. For it must be considered that among a race with whom war was the glory and business of existence, the fame of a young and enterprising leader was sure to attract crowds of recruits, eager to share the glory and to partake in the booty which was considered the legal prize of heroism, and this circumstance also was not without its influence in rendering Chlodwig less dependent upon his natural followers. He was now become the founder of a land monarchy; he might consider himself as the successor of the Cæsars; and it is not impossible, even at that early period, he might contemplate the restoration of the unity of empire in Gaul, and aspire to bring the other German nations, who had claims upon its soil, beneath the rule of the Franks.

During the four years which followed the defeat of Syagrius, the only incident recorded of Chlodwig's history is that of the vase of Soissons, and it may be presumed that the time was spent in the settlement and allotment of the conquered territory. It appears that the whole of it was retained by Chlodwig in his own possession, for of Ragnachar, and his other associates in the expedition, we hear no more. The newly-acquired district was the least desolated part of Roman Gaul; it had been prudently and carefully governed by Ægidius, though there were also numbers of waste estates, whose proprietors had been swept away in the centuries of unquiet and slaughter with which the empire had been visited. In the difficult task reconciling the claims of the conquerors with a reasonable regard for the rights of the ancient inhabitants, Chlodwig conducted himself with a moderation and prudence rare in any period of life, but little to be expected from a man so young. He took from the Roman possessors neither land nor serfs, as had been done by the Goths and the Burgundians, but he placed himself in the position and rights of the imperial government, took possession, by right of conquest, of the rich domains of the Roman Fisc, known by the name of the *Villæ fiscales*, of the lapsed properties, and all waste lands; from this fund it was easy to endow his co-adventurers, whether Saliens, Ripuarians, or other Belgic Franks, or Recken from beyond the Rhine, and there would still remain, after the pretensions of all were satisfied, an enormous surplus in his possession. He fixed his residence at Soissons, and as soon as he had firmly established himself in his new acquisitions, turned his eye to the extension of his power. His first exploit was a war with the Thuringians, whom he brought into submission. The causes and particulars of this war are unknown, nor is it clear whether Gregory, in the single line in which he notices it, intended the Thuringians

beyond the Rhine (Greg. Tur., ii. 27; Gest. Franc., x), or the Tongrians of Belgium. Either supposition is within the limits of possibility; but the former supposes a cause of war which could scarcely have existed with the distant Germans; it implies a power which Chlodwig, at that time, did not possess, and such an expedition could only have been undertaken in conjunction with the Ripuarian and Hessian Franks. It is far more probable, therefore, that his first efforts would be directed against the Tongrians, whom he might hope to subdue by his own strength. Whatever be the truth, the war ended happily, the Thuringians were reduced to a tribute; and when two years more were spent, Chlodwig, already the father of a son, Theuderich, by a wife whom Gregory, because she was a heathen, calls a concubine (Greg. Tur., ii. 28), married Chlotilde, or Chlotildis, a daughter of Chilperich, one of the kings of the Burgundians.

The Burgundian king, Gundioch, had died previously to the year 472, and left four sons behind him. At that period the office of king had changed little of its ancient character among the Burgundians; its duties in peace being mainly limited to calling public assemblies of the folk, and the carrying their decisions into effect; and the four sons of Gundioch succeeded their father in the kingly dignity, in the same manner as it had been shared by him and his deceased brother. Chilperich established his residence at Geneva, Godegisel at Basançon, Gundebald at Lyon, and Godemar at Vienne; but Gundebald (*Chronograph Cuspinian. ad ann. 472*), if not the eldest, the most distinguished of the brethren for spirit and prudence, speedily acquired a pre-eminence among them, and was named Patrician by the Emperor Olybrius. Dissensions, the consequence, perhaps, of the discontent of the others under Gundebald's ascendancy, soon broke out; Chilperich and Godemar made war upon him, and were defeated. Godemar saved himself from captivity by voluntarily perishing in the flames of his tower, at Vienne. Chilperich and his two young sons, who had been made prisoners, were put to death by Gundebald, who, not content with these murders, caused his innocent wife to be cast into the Rhone with a stone tied to her neck. The hapless parents left still two daughters behind them; one, variously called Mucuruna, Sædelenba, and Chrona (Corona), sickened with the sorrows of greatness, devoted herself to a monastic life; the younger, Chlotildis, was demanded in marriage by Chlodwig. (Greg. Tur., ii. 28.) The brief narrative of Gregory is expanded into a romantic *Mährchen* by Fredegarius and the author of the *Gesta Francorum*. Aurelian, it is said, an envoy of Chlodwig, came, after the murder of her parents, to the Burgundian residence, to demand the hand of

Chlotilde. The tyrant, apprehensive of the Frank's power, secretly urged his niece to reject the suit of a heathen, but dared not openly refuse it. Chlotildis had other views; she accepted the ring which the ambassador tendered; the penny and the shilling were duly paid; and the future queen quitted Burgundy, in a waggon drawn by four oxen, for Soissons, the residence of Chlodwig. Arrived on the Frank boundary, ere she had yet seen Chlodwig, she commanded the Franks, who were waiting to receive her, to waste the Burgundian land for twelve leagues' space (*Fred. Epit.*, xviii.; *Gest. Franc.*, xii.); and, as she saw the smoke of the burning villages, she thanked God for permitting her to see the *beginning* of revenge for her parents. Doubtless there is some historical foundation for this tragic story, but it is impossible to credit it to its full extent. It is contradictory of the character ascribed to Gundebald by the writers of the day, by whom he is, described as wise, just, and beneficent. (*Avitus, Epist.*, xxviii.; *Inter. Epist. Aviti.*, xlvi.; *Ennod. Vit. Epiph.*, 405.) The statement is the statement of an enemy; it is unknown to contemporary historians; was first put forward more than a century after the supposed perpetration; and it sounds like an attempt at poetical justice, forged to justify the rancour of Chlotildis, and the atrocious cruelty of her sons, towards the house of Gundebald. Whatever degree of truth there may be in the legend, hatred to the Burgundian family was the master spirit in Chlotildis' mind. It was the same in the spring-time of youth, the same in the winter of age. More than thirty years after her marriage with Chlodwig, after she had been thirteen years a widow, she quitted the cloister of Tours to urge her sons to new revenge for the ancient wrongs of her parents; she lived to witness the extirpation of the whole house of Gundebald, died A.D. 547, according to the expression of Gregory, full of days and good works, and is to this day honoured as a saint by the Romish church, which has consecrated the 3rd of June as an everlasting festival to her memory.

In the year 493 Chlodwig took possession of the Gallic territory, as far as the Seine, and in the following year extended his power to the Loire. (*Gest. Franc.* xiv.) He met with no resistance, for the land lay open to the first armed occupier, and the inhabitants were indifferent to, if they did not prefer the sovereignty of a nation with which they were not unfamiliar, to an unprotected and dangerous independence. The gentle manner in which the Romans of Soissons, Rheims, and their vicinity had been dealt with could not fail to make a favourable impression, and it is probable that the coming of the Franks was regarded as a protection rather than an oppression. The progressive occupation of the midland districts

suggests the supposition that Chlodwig's power was constantly increasing by the influx of new adventurers, for whose settlement it was necessary to provide. As before, there was no occasion for encroaching upon private property; the *Villa Fiscales* and the waste lands were amply sufficient for the gratification of all claims, and when all his followers were beneficed, a still greater extent of property remained in his possession. For it cannot be too often repeated, that the number of free Germans was very insignificant, and they were so spread over a wide surface, that if every Wehrman were beneficed, the amount taken was nothing in comparison with that which remained. The acquisition of the southern territory brought Chlodwig to the boundaries of the Burgundian and Wisigoth kingdoms, from the sovereigns of which, whatever might be their real feelings, he encountered no opposition. By it, the conquest of the portion of Gaul which remained Roman was completed, and the king of the Franks began to look round upon the other German nations settled upon its soil, with a view to the further extension of his power. A quarrel with the Alemanni supplied the first opportunity for the gratification of his ambition.

For more than a century the Alemanni had been in undisturbed possession of Alsace, and the adjoining districts; Mainz, Worms, Speyer, Strasburg, Basel, Constanx, Bregenz, lay within their territory. (Geograph. Ravenn., iv. 26; Hertius Not. Pop. vet. Germ., 111.) The Vogesen range was a bulwark on the side of Gaul, waste lands separated them from the Burgundians, who were settled about the Jura and in the south-west part of Helvetia, and the Moselle divided them from the Ripuarian Franks. It is unknown whether they formed a state distinct from their brethren on the right of the Rhine; probably such was the case, for the Alemanni, at all times, were divided into separate tribes, between which, however, was generally a common union; nor is it certain whether the Alsatian Alemanni were under one or several Adelings; a single king is mentioned as having fallen in the battle with Chlodwig, who may have been merely an elected military leader. Equally obscure is the cause of their war with Chlodwig, though it has been assumed, perhaps too hastily, by all recent historians, that the Frank king became involved in it as an ally of the Ripuarians. The Ripuarian Franks were settled, as the name imports, upon the banks of the Rhine, from the Moselle downwards, their chief seat was the city of Cologne. It is probable that they consisted of the remains of the ancient Ubii, strengthened by the adventurers who crossed over on the first invasion, and the name implies that they were regarded by the Romans as a kind of limitanean soldiery. For, in the common parlance of the Romans of that period, the tract of land lying

along the Rhine was called *Ripa*, in an absolute sense, and even the river itself was not unfrequently denominated by the same title. Ripuarii are Ripa-wehren, Hreop, or Hrepa-wehren, defenders of the shore. About the close of the fifth century these Ripuarii were under the government of a king, named Sigebert, usually called "the lance." The story told by modern writers is, that this Sigebert, having fallen into dispute with the Alemanni, called upon Chlodwig for assistance, a call which the young king willingly listened to. The Alemanni had invaded the Ripuarian territory, and advanced within a short distance of Cologne, when Chlodwig and his Franks joined the Ripuarii; a battle took place at Zülpich, about twenty-two English miles from Cologne, which, after a fierce struggle, ended in the defeat of the Alemanni. In this battle the Alemannic king was slain, and Sigebert received the wound which conferred upon him the epithet of "Claudus." The unanimity with which these circumstances have been represented, has been disturbed in one particular only—the place of the battle-field. Gregory states that the battle in which Sigebert was wounded was fought at Tulbiacum (Zülpich). Hortius first ventured the supposition that, instead of Tulbiacum, Tulliacum (Toul) should be read, and Türk has already demonstrated, in a masterly essay, that Toul was the place, (Greg. Tur., ii. 37; Hertius Not. Germ. Opusc., ii. 3, 1; Türk Forschungen, Hft. iii. 98.) The reasoning, admirable as it is, is thrown away. There is not the least evidence to shew that the battle in which Sigebert was hurt, and that in which Chlodwig defeated the Alemanni, were the same, and it is an entirely gratuitous assumption that Chlodwig was present at the field of Tolbiacum. Gregory, under the year 496, states that Chlodwig had a war with the Alemanni, during which he was compelled to confess what he had before denied. Being hard pressed in battle, the place of which is not mentioned, he bethought himself of the God of Chlotilde. "O Christ Jesus," he cried, "whom Chlotilde proclaims to be the son of the living God, Thou who givest help to the needy, Thou who givest the victory to them who trust in Thee, save me now in this extremity, and I will believe in Thee, and be baptised in Thy name. For I have called on my own gods, and I find they cannot help me." A more vigorous assault followed the prayer, the Alemanni fell back, their king was slain, and a complete victory was the result. Eleven years afterwards, Gregory, in narrating the war with the Wisigoths, mentions that Chlodwig had with him, as an ally, the son of Sigebert Claudus, and incidentally adds—"This Sigibert, fighting against the Alemanni, near the city of Tolbiacum, was hurt in the knee, and thenceforth became lame." Upon these two isolated passages, to which the Epitomator and the Gesta Fran-

cerum afford no additional light, rests the assumption of the united battle of Chlodwig and Sigebert with the Alemanni. To me they seem to relate to two distinct occurrences. I cannot believe that Gregory wrote Tulbiacum for Tulliacum, for Toul is written by him, as well as by others, "Tullum;" and there is some collateral evidence to shew that Chlodwig was not at Tulbiacum. In the life of St. Vedast it is said that he attacked the Alemanni in their own land; that they were prepared for his invasion, and that they met the king near the banks of the Rhine with a strong army, which they had assembled with the determination of defending their soil, or of dying free upon it. It is added, that after the battle the king, on his return to his own country, came to the city of Toul (*venit ad Tullum oppidum*).

The subject has acquired, perhaps, an undue importance, from its connection with the conversion of Chlodwig. Hitherto the Franks had been worshippers of Donar and Wodan, though it is scarcely possible that Christians should not have been found among them; and, indeed, the king's sister, Lautechildis, is described as being already a Christian, though according to the Arian persuasion. It is certain that they were not persecutors; they had been too long intermingled with the Romans not to live on friendly terms with Christians, and Chlodwig himself, before his conversion, had bestowed lands upon the Bishop Remigius. (Testament. B. Remigii Baron ad ann. 484, n. 133.) Chlotildis, who had never lost an occasion of urging the king to baptism, eagerly availed herself of the miraculous incident in the Alemannic battle to strengthen her exhortations, but he still hesitated, from the fear of giving umbrage to his pagan subjects. At length, he propounded the matter in an assembly of the Wehrmen, who, under the unseen influence of the Holy Spirit, cried out unanimously, that they would worship the God preached by Remigius, and Chlodwig proceeded, a *New Constantine*, to the font. With him were baptised his sister Albofledis, and three thousand Wehrmen. The baptism took place at Christmas, A.D. 496, and on the same day Lautechildis, Chlodwig's other sister, renounced the Arian heresy. (Greg. Tur., ii. 31.) The phrase "a new Constantine" might be taken for a bitter satire. There are few kings who, for their own sake, have less claims upon human affection and respect than Constantine, and in dissimulation, in cruelty, in bloodshed, in the worst properties of the mind, the comparison was not unjust. But Gregory was too earnest for sarcasm. He could not be ignorant that the kings were equally wicked, but probably he saw in them only a marvel of divine mercy, which could use even such blood-stained instruments as Constantine and Chlodwig in the great work of establishing upon the earth the reign of everlasting peace.

Chlodwig was following up his victory over the Alemanni, perhaps with unnecessary ferocity, when he was stopped in his course by a flattering embassy from the great Theodorich. Many of the Alemanni had submitted, after the death of their chief, on the field of battle. "Spare us," they cried, "for we are now thy people!" but there were many who, abhorring the Frank yoke, fled towards the south, and threw themselves under the protection of the Ostrogothic king, who had possessed himself of the ancient Rætia and Vindelicia. The Ostrogoths had settled after the death of Attila, with the consent of the Eastern Emperor, Marcian, in Pannonia (Eunod. Paneg., p. 311), where three brothers of the Amala family, Walomir, Theodomir, and Widemir, shared, according to their natural custom, the hereditary office of king or judge over them. (Jornand., l. 52.) There settled, the Emperor Leo renewed with them the treaty of his predecessor; and the young Theodorich, the son of Theodomir, who was born amid the rejoicings of the Hunnish victory, was given as a hostage, in his eighth year (about A.D. 460), by his father, and was brought up with love at Constantinople. (Jornand., 52; Priscus Script. Byz., T. i. 217; Eunod. in Paneg., p. 294.) After an abode of ten years in the imperial city, he was permitted to return to his family. His two uncles had died childless, Walamir in a battle with the Scyri, Widemir in a raid to Italy; and on the decease of his father, Theodomir, in A.D. 475, in the city of Cerras, the heir of the Amala was elected chief of the Ostrogothic nation. He was eighteen years old at the time of his departure from Constantinople, and eighteen years longer he continued to lead an unsettled life, sometimes the friend, sometimes the enemy, of the Roman empire. The Goths had found their settlement in Pannonia too little for their wants, and the occasional stoppage or delay of their tribute from the eastern government often drove them to distress and hostilities; but Theodorich seems, even when prosecuting war, never to have lost the favour of the imperial court; Zeno adopted him for his son, and in 484 conferred the consulship upon him. (Jornand., lv. 56, 57; Procop. de. B. G., i. 1; Anon. Vales., xlix.) According to the *Historia Miscella*, Theodorich spent much time at Constantinople, lived there, in the lap of luxury, until recalled by the Ostrogoths, who, finding the gold and the land insufficient for their maintenance, clamoured to be led to new enterprises, and demanded a new land for their support. Then proposed the Ostrogoth to the Emperor Zeno the reconquest of Italy. "It now languishes," he said, "under the Turcilingi and Scyri; send me, with my people, to free it from their yoke, and it will be to us for a maintenance. Is it not better that I, thy son and servant, receive the land at thy hand than a man thou knowest

not—a man who keeps thy senate in the bonds of tyranny, and thy people in servitude? If I win, I hold the kingdom as thy grant; if I fall, thou wilt be at least freed from the burden of maintaining us." (Jornand., lvii.) These accounts are, probably, substantially correct, but where there is fear there cannot be confidence, nor was it all love between Zeno and Theodorich. The Gothic writers touch little upon the diversities of cloud and sunshine, the wants and rapacity on one side, the reluctant gifts on the other, the overbearing servant and impotent master, the years of changing animosity and reconciliation, which marked the relations of Ostrogoth and Roman. Procopius tells us the proposal came from Zeno, in the view of freeing himself from the oppressive servant; to him, perhaps, it was indifferent who possessed Italy; Odovaker and Theodorich were both his enemies; it was a stroke of policy to pit them against each other. Certain it is that, from whichever side the proposition came, Zeno granted, by writing, the kingdom of Italy to Theodorich, and recommended him, by letters, to the senate and the Roman people. So armed, Theodorich returned into Pannonia, and prepared for the great enterprise by first assuring himself, either through force or alliances, of the little peoples who lay westward along the course of the Danube, and then took his way down the river in order to fall in with the great road to Italy. In this it was necessary to touch upon the territories of the Gepidæ, and he defeated their King Trapstila at the river Ulca, and passed the winter at Sirmium. He carried with him the whole Ostrogothic nation, his mother and sister, the old, the women, and the children; Eunodius (in Paneg., 289) boasts of the waggons, the moveable houses, in which they were conveyed; they suffered from cold and hunger, but in the spring of 489 Theodorich forced his way over the Julian Alps, and descended to the Isonzo, where Odovaker lay in an entrenched camp to receive him. A battle ensued, in which the Goths were victorious.

Odovaker was a stalwart man. Had he been triumphant he would have been placed, by historians, among the greatest kings; had he been orthodox, he might have fallen a martyr; but circumstances were against him, and, like his rival, he was an Arian. His chief strength lay among the little peoples, Rugii, Scyri, Heruli and others, which had settled themselves on the lands by the Danube; it was there that he was accustomed to look for reinforcements to replace the waste of his own means, and Theodorich had previously constrained them to separate from him, and now stood between them and Italy. Still, though his union with the Danube was loosed, and the battle on Isonzo had been unfavourable to him, Odovaker maintained his ground like a man, and in a second

engagement, near Verona, the mother and sister of Theodorich were apprehensive of the worst. Here, again, the perseverance or genius of Theodorich triumphed; Odovaker, again defeated, fled to Ravenna; Verona, Milan, Pavia opened their gates to the conqueror; many of Odovaker's warriors, bound to him perhaps only by mercenary ties, joined Theodorich; again left him and rejoined Odovaker; the Burgundians took part against the Ostrogoths, and Theodorich seemed in almost desperate circumstances, when a third victory, on the Adda, 11 Aug., 490, gave him the command of Italy. Odovaker did not despair, but defended himself so stoutly for three years, in Ravenna, that a pacification with him was found expedient by Theodorich, by which Odovaker and Theodorich were to rule jointly at Ravenna. The treaty was executed Feb. 27, 493; on the 5th of March Theodorich entered Ravenna; and a few days afterwards Odovaker was murdered at a feast by Theodorich's own hand. The friends of Odovaker, the Heruli, Scyri and Rugii, became the friends of Theodorich, and Italy and Sicily were acknowledged as his right. (Eunod. Paneg. Jornand., lvii; Procop. de Bell. Goth. lib. i.; Anon., Val., xlix. 57.) Three and thirty years after Odovaker's death did Theodorich rule the kingdom with wisdom and good fortune, beloved and revered both by Goths and Romans. By far the most illustrious monarch of his age, feared and respected by the nations round, his word was law far beyond the limits of his power; history has conferred upon him the epithet of "Great;" Dietrich of Bern is a hero of the Heldenbuch; the deeds of "Stark Tidrich" have been celebrated even in the songs of the north; but this murder is a spot upon his memory from which it can never be washed clean.

The education which Theodorich had received in the imperial court, and his consequent mental refinement, contributed doubtless to the calm and steady superiority which he preserved through life over other barbarian sovereigns. He was himself conscious of this superiority. His letters to them on various occasions assume a tone of mild and paternal admonition, and his presents were calculated to make them feel their own inferiority. To the king of the Burgundians he presented a sun dial which marked the hour by day, and a water-clock which told it by night, with artists to tend the instruments. "The Burgundians, he said, will cease to compare themselves with the Ostrogoths when they see gifts and men like these." With the embassy which he deputed to Chlodwig, on the occasion of the defeat of the Alemanni, he sent a minstrel, who could sing his deeds with harp and voice, a present above all other acceptable to the young and ambitious warrior. How accurately did Theodorich discriminate between the characters of the two kings. The half-

refined Burgundian, careless of foreign conquest, and bent upon civilising his people, and the war-loving and rapacious mind of the youthful Frank. To the latter he addressed a letter which is still preserved. "Thy triumph is great enough, he writes, in bringing down the obstinate and stiff-necked Aleman, and humbling the pride of his people. It is enough to have reduced a great people by the sword to servitude; shouldest thou make war on the remnant, the world would not believe in the reality of thy victory. Believe me, the long experienced man, that I have ever found those wars the most fortunate which I have ended with moderation." (Cassiod. Var. lib. ii. 41.) More particularly Theodorich desired him to respect the remnant of the Alemanni which had thrown themselves under his protection. From the circumstance of a certain *Servatus* being addressed by Theodorich as Duke of the Rhetians, it seems that Rhetia and the Alemannic provinces south of the Danube had fallen, on the death of Odovaker, into the power of the Ostrogoths, and it is probable that the Alemannic fugitives were settled by Theodorich in those parts. Chlodwig listened with respect to the appeal of the great Ostrogoth, granted peace to the Alemanni, took them, perhaps on hard conditions, into his faith; Alsace thus became an integral part of the Frank monarchy, and the left bank of the upper Rhine lost the name of Suabenland for ever. There is no reason to believe that the Alemanni of Germany were included in this submission (Cassiod. Var. lib. i. 11; Greg. Tur., 2); Chlodwig appears never to have crossed the river, and it is probable that the conditional subjection of the Suabians was completed by his successor.

As the acquisition of central Gaul had altered the relations of Chlodwig to the ancient Frank settlers, so his conversion to the Catholic faith completely changed his position with regard to the old inhabitants of the country, who still went by the name of Romans. It was the second great step towards the foundation of the French monarchy. Roman Gaul was Catholic, the priests at that period, and many generations later, were exclusively Roman, and the accession of Chlodwig to their faith at once brought over to him a vast body of influential adherents, not in Frank-land only, but in the Burgundian and Wisigoth realms, who saw in his baptism the triumph of their faith, and the hope of its future ascendancy. The Burgundian and Wisigoth kings were Arians; Chlodwig stood alone in western Europe as the Catholic king, and enjoyed the full confidence and support of the church. The way was thus prepared for the falling off of the orthodox from the Arian monarchies, and for the extension of the more righteous rule of Chlodwig; the eyes of all the Catholics of Gaul were turned to him; even Avitus, the

Burgundian Bishop of Vienne, a man of irreproachable character, congratulates him in terms like these: "Providence has raised up a judge to this generation. Thy faith is our victory, and inasmuch as God will make thy people his chosen people, so shalt thou scatter abroad from the treasury of thy heart, the seed of true belief over distant folk, who now live in their natural darkness, uncorrupted by false doctrine. Spread abroad the kingdom which God has given thee! thou art the sun to whose rays we all turn for light and warmth; those who are near are nourished by thy beams, but even those who are far remote rejoice in the glimmer of thy glory. The whole Christian world celebrates thy triumph; we also partake in the common happiness; we conquer in every victory." (Epist. xli.) Avitus, the subject of the Burgundian, a man in a high station, and suffering under no oppression, doubtless spake the public opinion of the Roman world, and his words shew how frail was the hold which the Arian kings had upon the affections of their Roman subjects. There is no hatred like religious hatred. It supersedes all considerations of love, fidelity, gratitude or interest, and in the Catholic church it assumes the severe semblance of a duty. The principle that the door she opens is the only way to salvation once admitted, it becomes an imperative obligation upon every believer to extend her influence, and toleration must be regarded as a crime. Hence it is that the Romish church has been in all times intolerant, and intolerant she must ever continue—in-tolerant for conscience-sake. The sense of duty makes her a persecutor wherever she is ascendant, and restless until ascendancy is achieved.

There was now a new motive, or, at least, a new pretext, to stimulate Chlodwig to hostilities with his neighbours; his first attempt, after the subjugation of the Alemanni, was upon the Burgundians. The ancient feud with the Burgundian family had never been healed; Chlotildis availed herself of every occasion of fomenting strife (Spicileg. Lucæ d'Archery, T. iii. 306; Greg. Tur., ii. 82), and the jealousies which arose between Gundebald and his surviving brother, Godegisel, presented a favourable opportunity for prosecuting schemes of aggrandisement and revenge. Gundebald publicly charged Chlodwig with corrupting his brother's mind, and with exciting him to hostile measures against him. Gregory, on the contrary, states that the Frank king was secretly solicited by Godegisel, who proffered him a yearly tribute if he would free him from the yoke of Gundebald. Wherever the guilt might attach, Chlodwig invaded Burgundy, gained (by Godegisel's treachery, who went over, during the battle, to the Franks) a victory on the Ouche, not far from Dijon, and followed the fugitive Gundebald to

Avignon, which he fruitlessly invested. Gundebald had in vain appealed to the Catholic bishops; he was answered by Avitus that his own heretical belief was the cause of his kingdom's misfortunes, and admonished to return with his people to the only true fold; so should he find peace in his borders. The language held by Avitus amounts to an offer of mediating between the king and Chlodwig, on the condition of his renunciation of the Arian tenets, and the secret understanding of the Burgundian Catholics with the Frank can scarcely be mistaken. Gundebald appears to have hesitated; he offered a secret adhesion to the Romish Church; but Avitus required a public recantation, which the king could not bring himself to submit to; and, many years afterwards, having outlived the storm, he died an Arian, losing his soul, as Gregory expresses it, as well as his kingdom. The present danger, however, was averted by submission. Chlodwig, unable to obtain possession of Avignon, consented to a treaty, by which Gundebald engaged to pay him tribute, became his man, and agreed to serve him in his wars, possibly with relation to the Wisigoth kingdom. The chronicle of Marins fixes the Burgundian war in the year 500. (Greg. Tar., iii. 1; ii., 82; Marii. Chron. ad ann. 500.)

Procopius (Bell. Goth., i. 12) relates, without particularising the date, that an alliance was entered into by Theodorich and Chlodwig, the object of which was the partition of the Burgundian kingdom, but that it was coolly prosecuted by Theodorich, apparently from having become sensible that it was better to have the Burgundian than the Frank for a neighbour. This treaty is supposed by P. Damill and others to relate to the present war; but it seems more probably connected with the earlier period in which Theodorich, in his struggle with Odovaker, was perplexed by the foray of Gundebald, who, according to the *Historia Miscella*, advanced as far as the Ticino and the Po. Eunodius, on this occasion, states that Theodorich, in his embarrassment, sent Epiphanius, Bishop of Pavia, and Victor, Bishop of Turin, to treat with Gundebald and Godegisel, by whose discreet arrangement a peace was concluded with the Burgundians (Eunod. in vita Epiphanii), great numbers of prisoners ransomed, and Ostrogotha, the daughter of Theodorich, was given in marriage to Sigismund, Gundebald's son. At the same time, though no trace of it appears in history, it is far from improbable that the sudden peace made by Chlodwig with Gundebald at Avignon was owing to the interference of Theodorich. Little reliance is to be placed upon Procopius or the Italian chroniclers in subjects relating to the Frank or Alemannic history of this period; but all accounts concur in affirming the matrimonial connection of the houses of Theodorich and Gundebald; and it could be agreeable

neither to the pride nor interest of the Ostrogoth to suffer the further aggrandisement of the Frank, or the oppression of his own descendants. And no sooner were the Franks retired than Gundebald resolved to take vengeance upon his brother. Having assembled his host, he besieged Godegisel in Vienne; want of bread induced Godegisel to turn the poorer classes out of the city; and one of them betrayed to the besiegers a watercourse, through which they obtained admission. Godegisel took refuge in a church, where he was slain with the Arian bishop; but Gundebald carefully abstained from injuring the Frank auxiliaries shut up with Godegisel, and delivered them to Alarich the Wisigoth. The delivery of the Franks to Alarich seems inexplicable, unless they were private adventurers, and it was by their own desire. It produced no new feud with the Frank kingdom: nothing was done afterwards by Chlodwig to punish Gundebald, who governed Burgundy happily to the day of his death, which happened A.D. 516. (Marius in Chron. ad ann. 500; Greg. Tur., ii. 83.)

The contact of the Frank and Wisigoth kingdoms on the Loire rendered a long and sincere peace impossible. Many circumstances contributed to raise a feud between the two nations. The Wisigoths had been so long settled in Gaul that they might consider the whole of it, as far as the Belgic boundaries, as their future inheritance; and when the Franks defeated Syagrius, and took possession of his country, they would naturally be regarded as intruders upon their rights. Alarich was a high-spirited and haughty young man, who, conscious of superior civilization, looked down with mingled contempt and apprehension upon the rudeness of the Franks. His kingdom extended over the whole southern part of Gaul and the north of Spain, as far as the frontiers of Portugal; he had endeavoured, during the course of a long peace, to improve the condition of his subjects by legislation. The Wisigoth monarchy far surpassed the other barbarian states of the west in power, wealth, and estimation; but he could not but be sensible that Chlodwig's restless ambition was dangerous to all his neighbours. He invited Chlodwig to a conference: they met on an island in the Loire near Amboise (Greg. Tur., ii. 85), spoke, ate, drank together, promised unalterable friendship, but parted, as they had met, with hostile feelings. The evil thoughts increased and multiplied with time. Theodorich, who had given his daughter, Theudegotha, to Alarich, and had himself, according to the report of Jornandes, married the Frank king's sister, Audofleda, (lviii.) vainly endeavoured to mediate between them. He cautioned his son-in-law that, however great the might of the Wisigoths might be, they were enervated by a long tranquillity: pointed out that

hitherto there was no blood-feud to avenge; no attack upon the kingdom's honour or territory to vindicate; but at the same time he assured him that, if the strife came to blows, he might rely upon his support. To Chlodwig he expressed his wonder that for trifling causes he should suffer himself to be so incensed as to meditate a war with Alarich; hinted at the possibility of reverses, and shewed how the jealousies of kings too often brought ruin upon peoples. "Submit your differences to arbitration," he said. "I implore you, as a father and a friend; but he who despises my counsels must expect to find me and my friends among the number of his foes." To give strength to his mediation, he besought Gundebald, whom he addresses by the title of brother, to send ambassadors with his to Chlodwig, and wrote letters of similar import to the kings of the Heruli, the Warni, and the Thuringi, reminding them for how much they had to thank the father of Alarich, and warning them that should Alarich sink beneath the might of the Frank, they must not expect to escape becoming, in their turn, the victims of his ambition. (Cassiod. Var., lib. iii.; Epist., i. 2, 3, 4.)

But the interference of Theodorich was too late. Before his negotiations could produce fruit, a blow had been struck which could not be remedied. Alarich was no more. Religious bitterness precipitated events. Alarich had in no way interfered with the Roman Catholic worship; he had caused a compilation from Roman law, since known under the name of "Alarich's Breviary," to be made for the use of his Roman subjects, but still the Wisigoths were hated by the Romans as heretics and oppressors (Acta Synod. Agatheus. ap. Sirmond. Conc. Gall. T. i. 160; Greg. Tur., ii. 36), and the Catholic bishops put up formal prayers for Alarich, but they worked for Chlodwig. One of the most zealous of them, Quintianus, bishop of Rhodéz, was driven from his see, a cry of persecution was raised, and Chlodwig made religious zeal a pretext for the invasion of the kingdom. "*Valde moleste fero*," he said to an assembly of his Frank Wehrmen, "*quod hi Ariani partem teneant Galliarum. Eamus, cum Dei adjutorio, et superatis eis redigamus terram in ditionem nostram.*" The Franks exultingly responded to a call which proffered them spoil and glory, and the Riparii, under Chloderich, the son of Sigebert, joined in the crusade. In the year 507 the united forces took the way by Tours to the Wisigoth borders; not a blade of grass was permitted to be taken from the possessions of the church, "for how," said the zealous Chlodwig, "can we hope for victory, if Saint Martin be offended." At Tours he was saluted by the choir of the cathedral, apparently, however, not without preconcert, with the psalm, "Thou hast girded me

with strength unto the battle: thou hast subdued under me those that rose up against me. Thou hast given me the necks of mine enemies; that I might destroy them that hate me" (Psalm xviii. 39, 40); and signs and wonders cheered him on his way to Poitiers. On the plain of Vouglèè, about ten miles from that city, Alarich awaited his coming; he had withdrawn so far from his frontiers in the hope of being joined by the troops of Theodorich, and he would have retired still further, had not the fatal pride of the Wisigoths forbidden it. They felt the shame of a retreat; they remonstrated, they demanded battle, and were defeated; many of their bravest, among others a son of the famed poetical bishop Sidonius Appollinaris, remained upon the field, and Alarich himself fell in the tumult of the flight, leaving an infant son, Amalarich, a helpless child, the prey at once of treason and a vicious education. While Chlodwig pursued the Wisigoths towards the south, he committed to his eldest son, Theuderich, the task of taking possession of Auvergne and that part of the Wisigoth territory which lay on the confines of Burgundy, and Gundebald, who could no longer find a pretence for evasion, was compelled to take part in the subjection of the land, which he had far more willingly defended. Chlodwig himself took his way towards Bordeaux. At Angoulesme the inhabitants rose upon the Wisigoths and delivered the city into his power; he then took possession of Bordeaux, where he passed the winter of 507-8, and Toulouse, with the treasures of the Gothic sovereigns, fell into his hands. Loaded with spoil, the Franks exultingly bent their course once more towards the Loire. At Tours Chlodwig was welcomed by the clergy with jubel and solemnities; there he received letters, naming him to the consulship, from the emperor Anastasius, who, threatened by the king of Italy, seems to have sought an ally in the Frank, and was clothed in the church of St. Martin with the diadem and purple. Mounting his horse, in the court before the cathedral, he scattered with his own hands money among the people, according to the custom of the Romans, and was saluted from that day forward with the titles of consul and Augustus. To the church he was lavish in his gifts, though even his beneficence could scarcely keep pace with the desires of her ministers. He had devoted, by vow, his favourite war-horse to St. Martin, and thought to redeem it at the munificent price of 100 gold solidi, but 200 were demanded by the saint's representatives ere they would consent to the restitution of the steed. Chlodwig remarked, that St. Martin was rather an expensive auxiliary: "*Vere,*" said he, "*Beatus Martinus bonus est in auxilio, sed carus in negotio!*"

While these events were taking place, Theuderich and his un-

willing auxiliaries were pushing their conquests in the eastern part of the Wisigoth kingdom, and had advanced as far as Carcassone and Arles, when the Ostrogothic army appeared in Gaul. The Franks and the Burgundians immediately raised the siege of these two cities, retired before the Ostrogoths, and Theodorich added the land lying between the Rhone and the Alps, southward of the Durance, to his own dominions. A strip of country, extending along the south-east coast and the Pyrenees, was all that could be saved in Gaul of the inheritance of Amalarich, the rest remained in the possession of the Franks and Ostrogoths. Things remained in the same state for nearly two years longer, when a general peace was made, apparently upon the principle of each party retaining what was in his possession. Thus, exclusive of Spain, Narbonne was all that remained to the Wisigoths of their once flourishing empire; the Franks added both Aquitains, Auvergne, Quercy, Rovergne, to their territories, and Theodorich, whose armour conscience had buckled on, enlarged the kingdom of Italy to the Durance and the Rhone at the expense of his unconscious grandson.

Chlodwig was now master of almost the whole of Central and Southern Gaul, the Burgundians had become his tributaries, but Belgium continued, to a certain extent, independent. From the Rhine to the Somme were settled the tribes, or little nations, of which the Frank confederacy was formed, whose names and history remain, for the most part, in obscurity, but which appear to have been independent of the Salian Franks, except when common objects and common advantages gave rise to a temporary union. From the time of Chlodwig's inauguration in the church of Tours, the ancient principle of confederacy lost ground in the eyes of the ascendant party. The consul and Augustus might regard himself, with some right, as the successor of the emperors, nor were there wanting clergy to assure him that he had acquired, by the acts of Anastasius, a legal title to the empire and its soil. Was it to be endured that heathen Adelings should withhold from the representative of Constantine his legal rights? Chlodwig's conscience would not permit him to submit to it, and he resolved to vindicate his double title, and first to begin with the most powerful, the Ripuarii, whose power seems to have extended beyond the Rhine, as far as the confines of Hesse and Thuringia. Returned to Paris, in which city he had established his chief seat, he sent secretly to Chloderich, the son of Sigebert, with whom he had probably contracted an intimacy during the Wisigothic war:—"Thy father is old and lame; were he once dead, so should'st thou, by my help, succeed him in the kingdom." The miserable wretch took this as

a hint, caused the old man to be murdered as he was amusing himself in the Buchonian-wald, and advertising Chlodwig of his death, offered to surrender to him the treasures which he had left. Chlodwig, apparently assenting, sent a murderer, who slew Chloderich; but he himself had followed, with his Geleit, at the heels of his emissary, and no sooner was the deed done, than he called an assembly of the Ripuarian Wehrmen, disclaimed all participation and knowledge of both murders. "I know nothing about the whole business," he said, "but I advise you to place yourselves under my protection." Advice from such a quarter was not to be slighted; the Mallus elected him king, and raised him on the shield, according to German custom. Gregory adds, that "God daily bowed his foes to the ground before him, and enlarged the boundaries of his kingdom, because he walked before him with a pious heart, and did that which was right in his eyes." (Greg. Tur., ii. 40.)

The next victim was Chararich, whose doubtful bearing prior to the battle of Soissons had never been lost sight of. Chararich and his son were captured by stratagem, their long hair shorn, and the one was consecrated a priest, and the other a deacon. It seems, therefore, that these Adelings had become Christians; but there is no clue to direct us to the seat of their government. The old man wept bitterly at the loss of his long hair, and the son endeavoured to comfort him with the words, "The leaves are stripped off, but the stem is yet green, and will put forth new shoots, were the spoiler but away." The words were brought to Chlodwig, who regarded them as a threat; he caused the old man and his son to be put to death, and took possession of their treasures and their power. Then came Ragnachar's turn. He had always been subservient to Chlodwig's views; so to him, in the absence of other matter, was objected a low and dissolute life; and Chlodwig caused him and his brother Richard to be brought bound before him, and slew them with his own hand because they had endured bonds. Another brother, Rignomar, was put to death, by Chlodwig's order, in the city of Mana. There were several other kings or Adelings of the Franks, some in Belgium, some, perhaps, beyond the Rhine, all of whom, as well as every being of Merovingian blood, Chlodwig took off out of jealousy, lest they should disturb his new established power; and, when no more were to be found, exclaimed, "Woe is me, who remain a stranger among strangers; and, when the storm comes, have none of my own blood to help me!" But this, adds Gregory, was not remorse, but cunning, in order that if any kinsman, deceived by his professions, should yet appear, he might make away with him. It is not quite certain that these crimes were perpetrated in the order in which Gregory has placed

them, in the last years of Chlodwig's life; it is possible they may have taken place at various periods. I believe, however, that Le Cointe is correct in fixing the murder of Chararich in A.D. 509, and that of Ragnachar in the following year. (*Art de verifier les dates.*) Chlodwig died at Paris A.D. 511, in the 46th year of his age, and the 31st year of his reign, and was buried in the church of the Holy Apostles, now St. Geneviève, which had been founded by Chlotildis and himself. (Greg. Tur., ii. 41, 42, 43.)

Luden, too sensitive upon the subject of German honour, rejects these murders as fables. It cannot be denied that the circumstances in which they are dressed bear a romantic colouring; but the main facts rest upon as good a foundation as any other part of Gregory's history. They are not more monstrous than the more notorious murders of succeeding Merovingian kings. They are nothing in comparison with atrocities of which Gregory himself was an unwilling witness. That the saint was credulous; that he altogether disbelieved in the existence of human virtue, except when covered by a monk's frock; that he believed every enormity to be possible, is true, for he lived in age of enormities; but it is also true that he was a devout and truth-loving man, equally incapable of invention or suppression. Chlodwig was the church's hero; can it be doubted that he would have suppressed details so odious, if he could have suppressed them conscientiously? The facts were established in the popular belief of the Franks within less than a century after their perpetration; and, unhappily, there is nothing in them incompatible with the habits of the Merovingian family, or even with the customs of the age; the shedding of blood was thought little of, as the horrors in the Burgundian house prove, and even Theodorich himself was a murderer. Time may have given a Mahrchen complexion to details; but that the Frank's kings were removed from the world by fraud or violence is beyond the possibility of doubt. The fact of the Frank confederacy being composed of independent tribes is beyond contradiction; it was Chlodwig who united them, and brought them under his own sword: nor is it possible that such an union, such a change of immemorial habits, could have been effected without many a crime, many a dark passage of treachery and bloodshed. Salvian (*de Gub. Dei.*, lib. iv. 141; vii. 248), in the middle of the preceding century, stigmatises the character of the Franks as being, in his day, notoriously faithless; a lying Frank was as proverbial as a lying Greek; and, indeed, after so long an intercourse with the Romans, it was impossible that the ancient German truth should be preserved unsullied; for nothing but pollution could arise from the contact; nothing but falsehood could be learned in such a school. It is

nothing that Chlodwig was the idol of the church ; for the church held that there was no virtue independent of belief in her doctrines ; that there were no crimes which might not be atoned for by penitence, especially when shewn in the substantial form of liberality to herself. Whatever were Chlodwig's defects, he was not wanting in this virtue ; and it must also be admitted that his treatment of the Romans, whether it were the result of generosity or policy, merits unqualified praise.

CHAPTER V.

The further Extension of the Frank Empire.

THE attention of the writers, whether Roman or barbarian, of the fifth and following centuries, has been naturally riveted on the great events, by the results of which barbarian peoples were transplanted to the soil of the empire, and the condition of their native Germany has been left in more than its early obscurity. The few references which are found in their works to the old country and its inhabitants are, for the most part, confused and contradictory; the old names have either disappeared, or are used with little regard to truth or probability; and the whole mass is so mixed up with ancient fable and monkish legend, that it is only by the most careful sifting and comparison that the historian is able to form even a defective estimate of the geographical position and historical progress of the nations of Germany during the three centuries which intervened between the death of Attila and the appearance of Charles the Great. There is no certain authority, for example, to establish the fact that the Frank empire, at the period of Chlodwig's death, extended beyond the Rhine; it is certain that there are no grounds for supposing that Chlodwig ever passed the river; yet general circumstances lead to the inference that Frank power, in the original country of the Franks, had at no time suffered abatement or interruption; and there is a passage in Gregory which supplies a partial corroboration of the fact. (Greg. Tur., ii. 40.) Sigebert, king of Cologne, it is said, "*egressus de Colonia civitate, transacto Rheno, per Buconiam silvam ambulare disponderet, meridie in teutorio suo obdormiens, inmissis super eum filius percussoribus, eum ibidem interfecit.*" Buconia silva is a beech-forest (Buchenwald); but the beech forest to which the special name Buchonia

was applied, was, as is placed beyond question by the documents and diplomata of the middle ages (Gatterer. Synchron. Univ. Hist., 732; Wenk. ii.; Theil. p. xxviii.), that which extended from the right bank of the Rhine, over Fulda, to the verge of the Thüringerwald. Ruinart, in his notes on Gregory, inclines to the supposition that the author might, by Buchonia, mean Buronia (Bouquet., ii. 184 n), a forest said to have extended from Cologne almost as far as the Scheldt; but the expression "*egressus de Colonia, transacto Rheno*," shews clearly enough that it was in the Hessian Buchonia that the Ripuarian king sought recreation and found murderers. It cannot be supposed that Sigebert would have betaken himself, almost alone, into this Buchonian-wald, had it not lain within the limits of the Ripuarian territory. There were no nations in northern Germany able to make head against the Franks except the Thuringians and the Saxons, and these were far from the Rhine. It may be concluded, therefore, that the whole right bank of the Rhine, northward of the Alemannic boundary, west of the Thuringians, and south of the Saxons, continued to be Frank land. Part of it might still have retained the ancient form of independent Gaus, part have fallen under the Ripuarian king, on whose death it would naturally become an integral portion of Chlodwig's empire.

On Chlodwig's decease, the kingdom, that is, not the land (for the principle that the soil itself was vested, after the manner of a private estate, in the monarch, made its way gradually and slowly out of that ancient storehouse of despotism, the Roman law, into the institutions of the Germans), but the authority, the jurisdiction (Regnum), was shared by his four sons. The expression of Gregory that the Regnum was divided "*æqua lance*" (iii. 1), implies not that the territory was partitioned, but that no one of Chlodwig's sons was superior to the other. The Franks still continued one nation. The three sons of Chlotildis fixed their residences in the western part of the kingdom, at no great distance from each other; Chlodomer at Orleans, Childebert at Paris, Chlotar at Soissons; while to the eldest, Theuderich, the offspring of the concubine, who established his seat at Metz, was assigned the eastern district of the kingdom, as far as the Thuringian boundary. This portion, by far the largest in extent, was the peculiarly German part of the Frank territory; and, at a later day, received the appellation of Austrasia, Austria, Osterreich, or the eastern kingdom, in contradistinction to the western part, which was called Neustria, New Reich, or the new kingdom. Theuderich thus approached the Thuringia on the German side, though it is difficult to determine with accuracy the boundaries of the two kingdoms. The boundaries were not unknown to the Franks. Th-

driven away by his Wehrmen on account of his licentious life (Greg. Tur., ii. 12; Gest. Franc., vi. 7), had sought and found an asylum with the Thuringian king, and had repaid his kindness by corrupting his wife, Basina, who became, subsequently, the mother of Chlodwig. The Thuringian ruler appears among the princes to whom the great Theodorich addressed letters, in order to excite them to opposition against the ambitious schemes of Chlodwig, and there seems to have been a constant interchange of friendship and good offices between the Thuringians and Ostrogoths, the consequence of common dread or jealousy of the Franks. Theodorich had given Amalaberga, the daughter of his sister, in marriage to Hermanfried, one of the Thuringian kings; and the latter had presented to the Ostrogoth, apparently as bride-purchase, a number of white Thuringian horses (Procop. B. Goth., i. 12), which excited no common admiration in Italy. This princess Cassiodorus describes as a gift of inestimable value, and Thuringia as happy in possessing her; but she brought, according to the Frank writers, misfortune and ruin upon the Thuringians. Gregory states that Hermanfried, excited by the ambition of his wife, who could not brook being the queen of a divided kingdom, invited Theuderich, the Frank king, by the bribe of a division of spoil, against his brother, Balderich. "If you slay him," said Hermanfried, "we will divide his kingdom equally between us." Theuderich accepted an invitation so agreeable to his own wishes; Balderich fell under the combined might of his brother and the Frank, but the latter was by some means defrauded by his brother king of the promised booty, and hence arose a bitter enmity between them. (Greg. Tur., iii. 4.) The relation is, doubtless, a partial statement. Were the Thuringian accounts extant, perhaps another colouring might be given to the feud between Theuderich and Hermanfried; at the same time, the circumstance of the Thuringians being members of the Gothic, or Anti-Frank party, is sufficient to account for the hostility. That it continued without open war is to be ascribed to Theodorich, who would, probably, brook no attack upon his allies, and no extension in that direction of the enormous empire of the Franks.

And who were the Thuringians? They appear suddenly, in bloom and strength, as a people of central Germany, in the latter part of the fifth century. Luden has formed a theory that they were no other than the ancient Cherusci, whom Mannert has transported, under the name of Salii, to the banks of the Waal and the Scheldt, but who, as Möser assures us, were amalgamated with the Saxon confederacy. The contradictory opinions of these eminent writers respecting the origin and extinction of celebrated German nations shew

at least the obscurity in which the origin of the Thuringians is buried. It is assumed that the name occurs first in the fifth century; yet there are similar, almost identical, names casually appearing in the classical writers, which lead to the opinion that their race was one of far higher antiquity, and that it was widely spread. The Tongri of Tacitus are no other than the Toringi, or Thuringi. The etymological construction of the words might suffice for proof; but it may be added that the Tongria of the Maas is written by Gregory and the Frank chroniclers Thuringia (Greg. Tur., ii. 9 and 27; Gest. Franc., v.), at a period when they must have been perfectly familiar with the Thuringia of Germany. It is possible that the Teuchteri of Cæsar springs from the same source as Tongri and Thuringi; but a more certain form of the same word is Thervingi, a people which first comes forward in Gothic history. The Panegyrist Mamertinus, in his Genethiacal oration to Maximian, calls the Thervingi a part of the Gothic nation, and couples them with the Thiaifali; and Ammianus, in the following century, speaks of them as the leading tribe of the western Goths. The original seat of the Thervingi must have been eastward of the Elbe, contiguous, probably, to the other Gothic tribes; but, as they followed the Goths to Moesia, thence to Italy, Gaul, and Spain, they cannot have been the Thuringi of central Germany, though the identity of their names would lead to the supposition of an original connection. The recurrence of the same word in various ages, as the designation of tribes migrating out of the heart of Germany into climates distant from each other, naturally suggest the idea of a central stock. Ptolemy, in the second century, states that between the Saxons and the Sueves were the *Τευρονόμοι καὶ Ουρίπουροι* (Mamert. Geneth. Max. Aug. Dict. inter Paneg. Vet., ii., Anaz. Marc., xxxi. 3), names, perhaps, as near to Thuringi and Varini as could be expected from the Egyptian, and the tradition preserved in the *Sachsenspiegel*. That the Saxons, when they first landed in the Elbe, drove away the Doringa is significant of a time when the race spread far over the land. The Geographer of Ravenna, also, in the seventh century, speaks of Thuringia and Germania being the same. If such a people was really to be found in Germany, how is it that its name was unknown to Tacitus?

The Thuringians, at the beginning of the 6th century, occupied the country to the west of Bohemia, extending from the Elbe, over the Thüringerwald, by the frontiers of Würtemberg, to the Danube; the Hermunduri occupied precisely the same ground in the 1st and 2nd centuries. (Tac. Germ., xli.; Patero., ii. 106, 2; Strab., lib. vii.) Are the Thuringi and the Hermunduri the same people? Tacitus describes the Hermunduri as a powerful Suevic nation, touching the

Roman frontier on the Danube, and adds, mistakenly, that the Elbe took its rise in their land. Paternulus, who was personally acquainted with the country, makes the Elbe divide them from the Semnones; while Strabo places the Ἐρμούνδοι upon both banks of the Elbe. These geographical limits are equally applicable to the Thuringi and the Hermunduri; and even Strabo's location of the Hermunduri on the right bank of the Elbe, which is usually considered as an error, may point to a connection with the Wisigothic Thervingi. Cluverius, with apparent justice, has placed Deuringi on the right bank of the Elbe, and it is difficult to conceive that so many kindred names should occur without connection. Luden, sensible, perhaps, of the difficulty of establishing Cherusicans on the Danube, doubts the fact of the Thuringian kingdom extending so far south as that river; but Jornandes is decisive upon the point (lv.); and every historical circumstance relating to the connection of the king of Italy with Germany, tends to prove that the Thuringians were neighbours of the Ostrogoths, whose rule was limited by the ancient Roman boundary of the Danube. In the absence of historical proof of the identity of the Hermunduri and the Thuringi, something may possibly be gleaned from a consideration of the etymological construction of their names. There is a near affinity in sense, and a partial one in form, between the words Hermunduri and Thuringi, Toringi or Duringi, which appears more striking when they are divested of their Latin dress. In both the radical syllable seems to be Dur or Thur. The Hermunduri are Hermann-düren; Thuringi are Thür or Dür-winger. Hermann is synonymous with Wehrman or German, signifying warrior; winger is derived from the ancient verb wigan, wiggan, or winnen—to fight or conquer; and wiga, winger, or winner will consequently denote a warrior or victor. With respect to the source of the common syllable Dur, greater uncertainty prevails. Wachter takes it to be a form of Thor, Tor, a mountain, and makes Thuringi to denote mountaineers; but this definition is applicable only to the modern, not to the ancient Thuringians, who inhabited the plains as well as the mountains. The same kind of reasoning might derive the name of the Hermunduri, inasmuch as they dwelt on the Elbe, from the ancient root Dur, water, a root which may be traced in the Greek ὕδωρ, the Latin *Udor*, the Cambrian *Dur*, the Armorican *Dour*, and which, though lost in modern German, may be found in the ancient dialects, as in the rivers Oder, *Eider*, *Weser*, and the words water and wasser. Why should not the Hurmunduri be warriors of the waters, as well as the Thuringi warriors of the hills? But, in truth, both nations inhabited the same plains as well as the same hills, and must share the same designation, for that *Duri*,

Düren, and Thüren are the same word seems too self-evident to require proof, or it might be sufficient to point to the Roman fortress *Marcodurum*, which is now known as the town of *Düren*, or to the numberless documents of the middle ages, in which the words are written indifferently. There is, however, another root of great antiquity—*Thur*, bold, desperate, to which these words may, with greater probability, be referred for solution. As a noun it occurs in German chiefly in the composition of such proper names as *Thurismund*, *Thurovar*, *Thurgot*, though in the Icelandic *Dyr*, *Tyr*, is found in the sense of a hero. As a verb, *Thüren*, Anglo-Saxon *Dear* and *Dyrran*, it signified to dare. It is not found in modern German, but it was used by Luther in his translation of the Scriptures, though the refiners of language have been busy here also, having substituted *Dürfen* for *Thüren* in the present printed editions of the Bible, and thus deprived the verb of the force of its original signification. The sense of this root would seem to be more grateful than any local denomination to the genius of a people which delighted in such warlike terms as *Gothen*, *Marsen*, *Chatten*, *Winger*, and *Hermänner*; but whatever be the fact as to its derivation, I hold the name of the people, whether under the form *Hermunduri* or *Thuringi*, to have been *Düren*. Upon the grounds, then, that they dwelt in and occupied the same country from the *Elbe* to the *Danube*; that they bore a name radically the same; that there is no account of any subjugation of the *Hermunduri* by the *Thuringians*, and, indeed, the impossibility that a nation so numerous and warlike should be subdued by a handful of mountaineers is manifest; I conclude that the *Hermunduri* and the *Thuringians* of the 5th and 6th centuries were identically the same people. That they, as well as their neighbours the *Angli* and *Varni* of the *Elbe*, the *Heruli*, *Narisci*, *Marcommani*, and *Quadi* of the *Danube*, were also *Suevi* it requires not to be said: they were at all times known by the name of *Suevi*, and it is beyond doubt that numbers of them joined the other *Suevic* nations in their expeditions into the Roman empire. But there was at no time a general emigration of the *Hermunduri* or *Thuringians*; the bulk, the kern of the nation continued upon its native soil; and when, on the fall of the *Thuringian* kingdom, the name *Thuringia* became limited to the mountainous and northern district, the south was merged in the more general term *Suevia*, *Suabia*, or *Schwabenland*. *Cluverius*, therefore, is perfectly correct in regarding the *Hermunduri* as one of the chief sources of the modern *Suabians*. (*Germ. Ant.*, iii. 111.)

So long as the Great *Theodorich* lived, the *Thuringians* had little to fear from the revenge or the ambition of the *Franks*; but

he died 30th of August, A.D. 526. The sun which had shed a second, an autumnal summer over the wastes of Italy, set in sanguine clouds. Real or suspected conspiracies of his Roman Catholic subjects against the dominion of an Arian master, had converted the mildest of sovereigns into a persecutor, and his last days were embittered and his end was accelerated by remorse. (Procop. de Bell. Goth., i. 1.) His death was the signal of misfortune to the peoples which had found protection in the shadow of his power. The Wisigoth kingdom was invaded by the Frank king, Childebert, under the pretext of avenging his sister Chlotildis, who had married and lived unhappily with the young king Amalarich: Narbonne, where he kept his court, was taken possession of; Amalarich himself fell by murder or by the enemy, A.D. 531, after a short reign of five years, and the greater part of the remaining Wisigoth possessions in Gaul were lost. In Thuringia, where the feud with the Franks had never been composed, Theodorich was no sooner dead, than the Austrasian king invited his brother Chlotar to join him in the invasion of the kingdom. The union of kings in those days availed little, unless they could prevail upon the Wehrmen to sanction their undertakings; and Theuderich, having called a mallus of the Franks of Austrasia, proposed the expedition to them. He reminded them how, heretofore, the Thuringians had invaded their country, and practised unheard of cruelties upon their kindred; how Hermanfrid had broken his promise to him, and defrauded them of the just reward of their valour; and he besought them, as right was on their side, to commence, with God's aid, a war against them. The cunning words of Theuderich were well calculated to revive resentments, and rekindle the lust of booty, and the invasion was unanimously agreed to. The host was assembled near the banks of the Rhine, and in 527 Theuderich, his brother Chlotar, and his son Theodebert, crossed the river, and marched with the Frank army upon Thuringia. The Thuringians defended themselves skilfully by entrenchments and fortifications, but the Franks, though they sustained loss, made their way as far as the Unstrut, where a decisive battle took place, which was fatal to the Thuringians, whose bodies filled the channel of the river, over which the Franks passed as by a bridge, and the whole country was brought into subjection. In this manner Gregory concludes the history of the subjugation of Thuringia; but it does not appear that the conquest of that period was final, for he relates, further, that Theuderich, after having been baffled in an attempt to murder his brother Chlotar, returned into his own country, and afterwards invited Hermanfrid to visit him. Hermanfrid came, upon a pledge for his safety being given, and was honourably

received by Theuderich in the city of Zülpich. The two kings were walking and conversing together upon the walls of that city, when Hermanfrid was suddenly thrown into the ditch, and lost his life. (Greg. Tur., iii. 7, 8; Gest. Franc., xxii.; Procop., i. 12.) "Many," says Gregory, "ascribed the deed to Theuderich, who was particularly crafty in treacheries of that nature;" and all historians indeed are agreed in ascribing the murder to the instigation, if not to the hand of Theuderich. From a passage in Procopius it may be inferred that the crime was perpetrated in 584; for Amalaberga is said to have fled with her children, on the death of her husband, to her brother, the king of the Ostrogoths, by whom they were kindly received, and it was in that year that Theodatus ascended the Ostrogothic throne. Thus an interval of seven years occurred between the battle on the Unstrut and the death of Herminfrid; it is probable, therefore, that after the defeat of the Thuringians, peace was made, that Herminfrid became tributary to the Franks, and that it was only on his death that Thuringia was absorbed into the Frank empire, being governed from that time forward by Frankish Gau and Centrafs. The fate of the exiled descendants of the Thuringian kingly family was remarkable. Radegundis, the daughter of Berthar, Herminfrid's brother, was carried off by Chlotar, who married her, and her brother being murdered by her husband, she was permitted to take the veil in a monastery in Poitiers, where she lived to the year 589 (Greg. Tur., iii. 7), and has since been honoured with a place among the saints of the Romish church. The children of Herminfrid, who, with their mother, had fled to the protection of the Ostrogothic king, were sent by Belisarius to Constantinople, with Witigis, who followed Theodatus as king of the Ostrogoths. The son, Amalafrid, entered into the service of Justinian, commanded the Roman troops sent to the assistance of the Lombards, and, though his soldiers stopped by the way, contributed, by his personal valour, to the victory over the Gepides, A.D. 547; his sister, Rodelinda, became the wife of Amdoin, the Lombard king. (Procop., iv. 25; Paul Diac., i. 27.) The bishop of Poitiers, Venantius Fortunatus, who was as liberal of praise as his friend Gregory was the reverse, has written much in poetry and prose upon this Thuringian family, and most likely derived his knowledge from the nun in the cloister of the Holy Cross at Poitiers, St. Radegundis. His life of the saint, and his "*Elegia de Excidio Thuringie*," cast light upon some particulars of the history of the times, whatever may be thought of their literary or poetical beauties.

Theoderich did not long survive Hermanfrid; he died in the same year, 584 (Greg. Tur., iii. 23), apparently of sickness, though

popular credulity, which ever delights in poetical retribution, has connected their deaths together. Widukind, five hundred years after the death of Gregory, relates the tradition of the Thuringian war, which was in his day rife in the mouths of the Thuringian and Saxon people. It speaks of an alliance of Franks and Saxons against Ermanfrid, and though it has no historical authority, the Saga of Irinc, on which the death of the two kings turns, is one of the most beautiful which have been handed down to us from that wild and romantic period. Irinc was Ermanfrid's servant, counsellor, and friend; but he was seduced by Theodorich, under the promise of gold and honours, to plot against him, and as Ermanfrid, according to the custom of the time, knelt before Theuderich on making his submission, Irinc, by whom alone he was attended, struck him dead at his feet. "Out of my sight, wretch!" exclaimed the Frank to the deluded Irinc, "thinkest thou that I will be an accomplice in thy crime?" "I am a wretch," replied Irinc, "yet, ere I go, I will make all good." With these words he struck Theuderich through the heart, and, laying upon his corpse the body of his master, in order that the place of honour might seem due to the Thuringian, he opened a path with his sword through the Frank Geleit, and was seen by men's eyes no more. (Widukind, Corb. Chron., lib. 1.) The *via lactea*, in which so many peoples have seen a path of glory, thence received among the Saxons, in memory of the way so heroically made, the name of *Irincis straza*—Irinc's way.

In the same year, 534, Burgundy was finally incorporated with the Frank empire. Gundebald had died in 516, leaving two sons, Sigismund and Godemar, between whom fell out the same fraternal hostility which had so nearly brought down the father, and made a new opening for the Franks. Sigismund's wife, the daughter of Theodorich, was dead, and her son had been sacrificed by the erring father to the hatred of a step-mother, he had also conformed to the Catholic faith, and these occurrences had broken off his friendship with the king of Italy, from whom there was no longer any hope of support. His conversion to the true faith had procured him no forbearance from the orthodox sons of Chlodwig, for in the Cloister of Tours was an Até, who was ever exciting them to blood and strife. "Only revenge my wrongs," said Chlotildis to her sons, "and I shall not repent having brought you up so tenderly!" In 523, being delivered from the fear of Theodorich, the Frank kings, moved by their mother's entreaties and the lust of conquest, invaded Burgundy. The battle was fought, the Burgundians fled, and though Godemar effected his escape, Sigismund, his wife, and her two young children, fell into the hands of Chlodomar, and were

carried to the city of Orleans. The following year Godemar rallied the Burgundians, and Chlodomar, preparing to take the field against them, resolved first to put Sigismund and his family to death. In vain did Avitus, the Abbot of St. Mesmin, implore him to spare his captives: "Thus," said the good man, "if these perish, thus shall your children fall!" and the threat was regarded afterwards as a prophecy, but in vain. "Think you," replied the savage, "that I am fool enough to leave enemies at home, while I seek enemies abroad?" and Sigismund and his family were murdered at Coulmiers, near Orleans. Their death was speedily avenged by Godemar at Vesperonce, on the Rhone, where Chlodomar himself fell, and his head was paraded on a lance through the Burgundian camp. (Greg. Tur., iii. 5, 6; Marii Chron. 517, 524; Procop., i. 12.) The Austrasian king, who had espoused Suavigotha, a daughter of Sigismund, had coolly, if not unwillingly, concurred with his brothers in the war with Burgundy; and it was, perhaps, through his mediation that Godemar again received the kingdom, and held it until 534, the year of Theuderich's death. That event seems to have released Chlotar and Childebert from the necessity of further forbearance; Godemar was taken prisoner by them, and probably perished in captivity, for his name appears no more before us, and the Burgundians submitted, on the condition of preserving their state separate, agreeing to become liegemen of the Frank kings, to pay tribute and military service, but with the stipulation of preserving their own laws, customs, and estates. Thus Burgundy became an independent Frank state (Marii Chron. A.D. 534; Procop., i. 13), and Guntram, one of the sons of Chlotar, took, on his father's death, the title of the king of the Burgundians.

About the same period two other peoples of southern Germany, the Alemanni or Suabians, and the Bavarians, appear under the supremacy of the Franks, without any statement being preserved in history respecting the time or the means, when or by which, that supremacy was acquired. After the conquest of Alsace by Chlodwig, the Alemanni of Germany are rarely mentioned; and it has been assumed that they were involved in the fate of their Alsatian brethren. A passage in Agathias relates, that while in temporal government they followed the Frank policy, in spiritual things they adhered to their ancient barbarism, worshipping trees, fountains, and stones, in the depths of their forests, wherein they sacrificed horses and other animals, placing their heads on stakes in their sacred places, according to the practice of their fathers. Yet, as Chlodwig never crossed the upper Rhine, this passage must have reference to the later period, when the Franks and Alemanni took part in the Gothic war. The Alemanni must be divided into three

portions: those of Gaul, of which enough has been said; those who had settled in Rhetia and Helvetia; and those who occupied that part of southern Germany which now forms the territory of Baden and Württemberg. The Rhetian Alemanni were subjected to the power of Theodorich, whose kingdom of Italy extended to the Danube and the upper Rhine; but on the death of the great sovereign, the Ostrogothic realm had fallen into trouble; his grandson and successor, Athalarich, died a youth in the same fatal 534, which had closed the eyes of Theuderich, Hermanfrid, and Godemar; and his mother, Amalasuintha, the sole remaining child of Theodorich, was basely murdered by the wretched Theodatus, whom, in the hope of ruling the turbulent Goths, she had taken as a husband. (Procop., lib. i. 4; Jornand., lix.; Cassiod. Var., lib. x. 1, 2, 3, 4.) The deed supplied two powers, the Emperor Justinian and the kings of the Franks, with a pretext for the invasion of the Ostrogothic kingdom; the former had a friend, the latter a kinswoman, to avenge (for Amalasuintha was the child of Chlodwig's sister). But the Goths had already avenged the Amala blood, and raised a warrior, Witigis, to the throne which the Amala had left vacant. The death of Theodatus, who fell obscurely in the summer of 536—only a year after the murder of Amalasuintha—did not, as might be foreseen, satisfy the conscientious confederates, who found in religious zeal a substitute for their former pretences. There were still Arians to punish for the crime of misbelief; and Witigis, unable at once to make head against Belisarius and the Franks, entered into a treaty with the latter, whose crusades always terminated with temporal advantage. To rid himself of their hostility he agreed with the Frank kings, Childebert, Chlotar, and Theodebert, to give up to them, for a certain sum of money, whatever the Ostrogoths possessed in Gaul between the Alps, the Rhone, and the Mediterranean, Rhetia, and all that lay between the Alpine wall and the Danube. The alienation had been contemplated by Theodatus as a sale; but with Witigis it was a matter of necessity. These provinces were shared by the Franks, and Rhetia came into the hands of Theodebert, who had succeeded Theuderich in Austrasia. The conquest of Thuringia, the cession of Rhetia and Helvetia, the possession of Alsace, isolated the Alemanni (Procop., i. 13; Agath., i. p. 17 D); and, if they had not before submitted, it then became impossible for them to maintain longer their national independence. Upon the whole, in the absence of all accounts of any Frank and Alemannic war, I am inclined to think that they continued in the enjoyment of their ancient freedom, under their own Adelings, until the period of the Ostrogothic cession; and that then they made a voluntary treaty

with Theodebert, by which they agreed to acknowledge the supremacy of the Franks, but stipulating for the rights of self-government. These inferences are drawn from the facts: 1st. That while the Alsatian Alemanni were incorporated into the Frank empire, the original branch of the Alemannic nation retained their own laws, and elected their own Adelings, even after their submission to Austrasia; a distinction for which there could be no ground had the whole people been subdued by the victory of Chlodwig. 2ndly. The prologue to the Bavarian law, which was written in the time of Dagobert, refers to Theuderich as the first law-giver of the Alemanni and Bavarians; while the Salic law goes as far back as Chlodwig. It sets forth that Theuderich was desirous to introduce written law among the Franks, Alemanni, and Bavarians, but that the work was left incomplete on account of the inveterate paganism of the peoples beyond the Rhine; that Childebert continued, and Chlotar completed it, and that the whole was renewed and recast by Dagobert. This prologue certainly leads to the inference that a partial submission of the Alemanni may have taken place in the time of Theuderich; but it is decisive in negating the supposed conquest of Chlodwig. The particular prologue to the Alemannic law recites that it was enacted in the time of Chlotar. (Agath., i. 17.) 3rdly. In the year 553 two dukes of the Alemanni, Leutharis and Buccelinus, undertook an invasion of Italy, in aid of the Ostrogoths, against the emperor Justinian. Agathias says, little to the pleasure of king Theudebald, of Austrasia; while Marcellinus asserts it was with that king's concurrence. Whichever be the fact, it argues a certain degree of independence on the part of the Rhetian and German Alemanni (Agath., ii. 35), which we nowhere find was enjoyed by their brethren in Gaul who had submitted to Chlodwig. It is said that their army was composed of Alemanni and Franks, of whom the latter, being Christians, respected churches and holy places; while the latter were heathens, and plundered and burnt indiscriminately. The distinction proves that the Alemanni were from Rætia and Germany.

Leutharis and Buccelin came too late. It is not clear whether their object was plunder, or whether they came to succour the Goths, but, ere they descended from the Alps, the Gothic cause was lost. Witigis, after deeds which would not have disgraced the Anses, had been trepanned into a treaty by Belisarius, and carried, with his family, A.D. 540, to Constantinople, where he died two years afterwards. The Goths, on his capture, raised Ildebad on the shield, and on his murder, through a private brawl, Totilas crossed the Po, defeated the imperialists, and recovered Tuscany, advanced over the Tiber to Benevent, and Rome, on a second siege, fell, A.D. 546,

into his power. Totilas fell, in June 552, in a battle with Narses in the Apennines, and Teias, another soldier, was elected in his stead. But the Gothic strength was exhausted, desperation had converted the war into a carnage, and Teias himself, after the perpetration of useless cruelties, ventured all and lost his life at Cuma. The surviving Goths entered into a treaty with Narses (Procop. Bell. Goth., iv. 35) for the evacuation of Italy, which, for sixty years, they had regarded as their home. "They saw, they said, that it was not the will of heaven that they should take root in the Ausonian soil; they would die rather than yield; but let every Goth be permitted to take his property with him, and they would seek their fortunes elsewhere." Narses complied with the conditions; but the reluctance may be conceived with which the Goths contemplated exile from the land of their birth; numbers of them refused to be bound by the treaty of the Wehrmen at Cuma (Procop. de Bell. Goth., ii. 3. 4), and of these latter some thousands, under the guidance of one Indulf, quitted the camp, and made their way towards Pavia. It was at this juncture that Leutharis and Bucelin entered Italy.

They crossed the Po without encountering opposition, and took possession of Parma, where three thousand Heruli, in the pay of Justinian, were put to the sword, and Narses hastened from Cuma to secure Tuscany. Their way was marked with blood, brand and robbery; arrived in Samnium the two bands separated: Leutharis bent his steps toward Otranto, and thence returned towards the north with the view of securing the booty; Bucelin proceeded on to Campania and the Sicilian sea, and seems to have treated with the Goths respecting his election to the Gothic crown. He had relied upon the aid of Leutharis, and that leader contemplated bringing new forces to the enterprise, when the spoil was once placed in a place of safety; but on his march to the north he had suffered loss at Pesaro, from the Huns in the service of Narses, at Fano much of the booty which had been taken was lost, and encamping at Ceneda in the Venetian territory, the greater part of the army, and Leutharis himself, were swept away by a pestilence. Bucelin, in the meantime, captured Naples; provisions, owing to the activity of Narses, were scarce, but the grapes, on the Weinbergs, were plentiful, and the indulgencies of a southern climate brought sickness into his camp also. He quitted Naples in 555, marched to Capua, and lay on the Casilino with 30,000 men, enfeebled by sickness, when he was attacked by Narses at the head of 18,000 men; he looked anxiously for Leutharis, but Leutharis was already dead; yet he did not droop, and after a battle, which Agathias compares to Marathon and Salamis, fell, with his whole

force, of which five men only are said to have effected their escape. It was the last glory which circled the Alemannic name.

The Bavarians followed the fate of the Alemanni. The Bavaria of that day comprehended the Roman Noricum and portions of Vindelicia and Rhætia, being bounded on the north by the Danube; the Lech separated it from the Alemannic Rhætia, the Enns from the Sclavonian tribes to the east, while, towards Italy, it extended to the sources of the Drau and the Piave, including thus, in addition to Ober-Bayern, the Austrian provinces of Steyermark, Karinthien, Salzburg, and the Tyrol. The tribes settled within this extensive district had constituted the strength of Odovaker; they had passed with the others under the Ostrogothic sceptre, and in the middle of the sixth century they appear, under the collective name of *Bajowarii*, in a state of conditional subjection to the eastern Franks, of which the origin cannot be with certainty ascertained. It is almost certain, however, that at the time Witigis was compelled to abandon the transalpine provinces of the Ostrogothic kingdom, they came with the Rhætian Suabians into the land of Theodebert, though the condition under which they lived in relation to the Franks is sufficient evidence that the change was effected with their own consent. It was not the custom of the times for kings to transfer men by a stroke of the pen, there must have been either conquest or election; history is silent as to the former, while the latter is established by the fact of their independence in law and government.

The prologue to the Bavarian law, already quoted, couples the Bavarians with Franks and Alemanni, as living under the sceptre of Theodorich, but little authority is to be attached to it, for it was written in later times, when the name of Theuderich, if not introduced arbitrarily, could only be a matter of tradition. From passages in the law it appears, if they are not interpolations, that the right of appointing a duke of the Bavarians was vested in the Frank kings; but, in practice, the duke was one of the family of Agilolfinger; the election, as to person, in the Wehrmen; the right of confirmation, perhaps, in the king. Garibald is the first Bavarian Duke spoken of in history, and it is probable that he was the duke Garibald mentioned by Gregory as the husband of Wultrada, daughter of Waccho, the Lombard king. This Wultrada had been the wife of Theudebald, king of the east Franks, and, on his decease in 554, Chlotar, his great uncle, on whom the *Mundium* fell, was desirous of taking her himself, but the old man was beaten from his design by the clergy, on the ground of consanguinity, and he gave her to Duke Garibald. (*Greg. Tur.*, iv. 9.) Thirty years later, Childebert, king of the Franks, made war upon

Garibald; the alleged cause of which was the insult offered to his sister by Anthari, the Lombard king, who rejected her in order to espouse Theodelinda, Garibald's daughter. The upshot of the war is unknown. Theodelinda fled with her brother, in the year 589, to Anthari, who was waiting at Verona to receive them, and, in 595, ten years after the commencement of the war, Tassilo is said to have been appointed duke of the Bavarians by Childebert. (Paul. Warn., iii. 29.) Garibald's fate is unmentioned. Tassilo, in all probability, was a member of his family, and one of the Agilolfingi; but who the Agilolfingi were is useless to conjecture; no Agilolf is known in history. Besides the Agilolfingi, five other Adeling-houses are named in the law as enjoying a higher Wehrgeld than the ordinary Bavarian Wehrmen: the Huosi, the Throzza, the Sagana, the Hahalingua, and the Aennion. Paulhausen, in his curious researches into the antiquities of Bavaria, has endeavoured, with some success, to determine the localities where these minor luminaries shone. The Huosi seem to have ruled between the Amber and the Glou—a district spoken of in documents of a comparatively late date by the name of the Huosi-gau; the Throzza are supposed to have dwelt in the old Schloss Throtza, on the Teya, under the Mamhartsberg, in the Austrian dominions (Paulhausen Garibald., 78, 80); another ancient castle, Vagau, on the Mangfall, was the abode of the Sagana, or Vagana; the Hahalingua dwelt at Hasling, on the little Laber, while the cradle of the Aennion was Arning, near Weltenburg, on the Danube. It is probable that these noble families were originally as independent as the Agilolfinger, perhaps heads of tribes of Heruli, Rugii, Scyri (whose name is still preserved in the town Schyrn, Scheurn-Arx Scyrensis), and others, by which the soil was peopled; perhaps they were brought under the superiority of the Agilolfinger by the influence of the Franks, though it must be admitted that the terms in which they are spoken of by the law savour of a voluntary compromise. Little is preserved of them beyond the legal distinction which they enjoyed, which is continued in the latest version of the law, supposed to be of the eighth century. They were surviving then at that period, but it seems that they sank silently into oblivion, and had become extinct ages before the progenitors of our modern nobility had raised themselves above the level of the general obscurity.

The Bavarians, at the period of their first connection with the Franks, were still, to a great degree, in their original barbarism. The German tribes, which had possessed themselves of the Roman provinces, settled, like the Franks, upon the open land in the scattered Dorf, or in the lonely dwelling, where a wooden house, with

barns and conveniences for cattle, the whole encompassed by a defence of stakes, interwoven with osiers, constituted the dwelling of the wealthiest Wehrman. Bavaria was rich in Roman cities. Roman remains are still to be found in the Pfaunensteil, at Augsburg; in Juvavium-Salzburg; in Boidurum-Passau; in Campodunum-Kempten; in Abudiacum-Epfach; in Isunisa-Helfendorf; in Pons Oeni-Pfünzen, near Rosenheim; Lauriacum-Jorch on the Ens; Celensium-Pföding. So long as the Germans found resistance from the cities, so long were they the objects of their hostility; but that once over, the connection with Italy, in the times of Odovaker and Theodorich, the numbers and superior civilization of the Boicæan Romans, would tend to the preservation of Roman habits; there was never that total subversion of the Roman cities which is found in Helvetia, and it is probable that in them, at least, Christianity was never entirely obliterated. In the sixth century, some of the barbarian Adelings were Christians; the family of Garibald was Christian; his daughter, Theodelinda, was a pattern of Christian virtue; and his son's son, Aribert, who was elected king by the Lombards, was, as well as his father, Gundwald, a Christian and a Catholic; but it was not until the seventh century, when St. Emmeran preached in Bavaria, and received the martyr-crown, and St. Rupert raised up again the church of Juvavium, at Salzburg, that Christianity in Bavaria assumed a legal and settled form; and even afterwards might be found, among the mass of the population, a strange confusion of religious customs. It may be presumed that the ancient superstitions of the Boii had fallen into desuetude, that the high places of the goddess Ziger, had been abandoned, (in the twelfth century, notwithstanding the hill called Kobel, near Augsburg, was still known by the name of Zitsenberg,) but the German, though he had renounced Donar and Wodan, was still a heathen in his heart—still ate horseflesh and drank beer; still revered the source of the Altamon; still blew his horn, and shouted in an eclipse of the moon. If he attended the service of the Catholic church, he filled drinkhorns, at the High Altar, to the health of the Saints, and not unfrequently danced, on festivals, in the sacred edifice. Equally German, and far more difficult to eradicate than the errors of his old religion, was the belief that the exercise of hospitality was an indispensable duty; that, while theft was a baseness, there was nothing particularly discreditable in robbery; and that it was a far greater crime to insult a woman than to inflict a wound upon a man. The idolatrous propensities of the Bavarians was gradually repressed, or diverted, by the influence of the church; for in no part of Europe did the church acquire more splendid endowments, or a firmer root in the

minds of the people, than in Bavaria: it might be termed the *Pfaffenwinkel* of Germany; but the national peculiarities of law and domestic life were perpetuated long after the extinction of the last trace of national existence.

It was not until the year 788, notwithstanding, that Bavaria was finally swallowed up by the Frank empire. For two hundred years after the time of Garibald did the Agilolfinger continue to rule the Bavarian people, constantly waxing in pride, and more and more impatient of the Frank supremacy, which the growing weakness of the Merovingian family had little but the remembrance. Tassilo was followed, in 609, by his son, Garibald; Garibald by Theodo, under whose reign St. Emmeran preached and lost his life, and the church itself received a shock; but his son, another Theodo, raised again the neglected vine from the earth. Churches and monasteries were then built, and saints abounded in Bavaria. St. Rupert, St. Corbinian, St. Boniface, and others, flourished in his time, and, in 716, he himself undertook the pilgrimage to the tombs of the Apostles at Rome. On his decease, in 722, his three sons, after the custom of the Germans, succeeded, but their dissensions gave Karl Martell, who, in the decay of the Merovingians, governed the Franks with a vigorous hand, a pretext for the revival of the old claims of his nation. Karl invaded Bavaria; the three brothers were no more, and Karl placed Unebert, the son of the eldest, on the throne, carried back with him the widow of another, and her niece, but was himself vanquished by the charms of the latter, the famed Swanhilda. Odilo followed Unebert. His alliance with Chlotildis, Karl Martell's daughter, did not prevent an attempt again to shake off the Frank yoke, which was defeated, A.D. 743, by Pipin and Karlmann, the brothers of his wife. On his death, in 748, he left a child six years old, Tassilo, whose mother, Chiltrudis, survived for six years longer, and so long she fulfilled with love the maternal duties; but, from the age of twelve, Tassilo was brought up in King Pipin's court, with his cousins, Karl and Karlmann. In 757, Bavaria was delivered to him as a Frank Lehen, or Feud, by his uncle Pipin, and for some years he served in the Frank wars; but he, too, longed for independence, and took advantage of Pipin's wars with Aquitain, suddenly to quit the army at Nevers with his Bavarians, and returned to his native country. Tassilo's history belongs to another period; here it needs only to be stated; that twenty-five years later he was trepanned, by his cousin Karl, to Ingelheim, arraigned before the Frank Marchfield, condemned to death by the Franks, for Herisliz—the treason of quitting the host at Nevers in 763, and his Lehen was declared forfeited. Karl took possession of Bavaria, but spared his kinsman's life; and the

last of the Agilolfinger was carried, in 794, a shorn monk, to the Abbey of Lorsch, and vanishes from men's eyes for ever.

The desolation of the Ostrogothic state was fatal, not only to the independence of the peoples of the interior of Germany whose vicissitudes have been narrated; it brought another German nation across the Alps, which was also destined, in the course of time, to be swallowed up by the Frank Vampire. The Lombards had succeeded to the Ostrogoths in Pannonia; they followed them again to the fertile plains of northern Italy, which still bear the name of Lombardy. It was the last of the national emigrations. A remarkable passage in the "*Historia Miscella*" leads to the fact, indeed, that the peoples about the Danube, in the fourth and fifth centuries, were all of one race: "Goths, Hypo-Goths, Gepidæ, Vandals, Lombards," it says, "differ in nothing but the name, for they all speak one language, are all tintured in faith by the Arian malignity." It is the glory of the Lombards that they possess what fate denied to the Bavarians, the Alemanni, the Thuringians, the Wisigoths—a national historian. If the Ostrogoths have their Jornandes, the Lombards may boast of Warnefrid's son, called, from his office in the church of Aquileia, "Paul Deacon," who filled also the post of chancellor to the last of the Lombard kings. Paul Warnefrid had a poet's mind. How romantic is his history of the Lombards! In what different colours appear the same circumstances when related by him and by Procopius! He sets the strange and the wonderful in the brightest lights before us, and yet so truly, that they reflect the true complexion of the people. He possesses that rare quality, the objective faculty; the persons of his story are living beings; we see Antharis' battle-axe quivering on the tree, and have no more doubt about the skull of Kunimund than if it were an anecdote of our own times. The fragments of the early history of the Lombards, which were known to the classical writers, have been already detailed; the *Mährchen* of their origin, as preserved by the deacon of Aquileia, brings them from the distant north. Dwelling in Scandinavia, it relates, the poverty of the land made an emigration of part of the nation necessary. It was determined by lot. Two brothers, Ibor and Ayo, with their wise mother, Gambara, were the leaders of the emigrants. Arrived in the land, Scoringa, the duke of the Vandals, offered them the alternative of tribute or war, they chose war. The Vandal prayed to Odin, and Odin promised the victory to the party on which he should first set his eye (he had but one) in the morning; but Gambara prayed to Freya, and by her counsel the Lombard women turned their long locks over their breasts in the manner of beards, and placed themselves, in order first to catch the god's attention, upon a spot where

Odin was sure to see them as soon as he got up, for, on rising, he was always accustomed to look out of his window. He saw the women, and asked—"Who are those Longbeards?" Freya replied—"Thou hast named them; so give them the victory!" (Paul. Warnef., lib. i. 8), and it was so. Afterwards they came further—to Manringa and Zolanda, and possessed themselves of Anthabet, Bathaib, and Burgundsib. Their leaders died, and the Lombards elected for their king, Agilmund, son of Ayo; then came Larnissiu, Lechu, Hildehoe, and Gudehoe, the latter in Odovaker's time; then Claffo, then Tato; and now the Lombards come upon historical ground.

In the beginning of the sixth century the Lombards are found in the neighbourhood of the Danube, tributary to the Heruli; but the latter, dissatisfied with a conditional supremacy, compelled their king, Rudolph, to make war upon them, with the view of reducing them to unconditional servitude. The Lombards were victorious, their king, Tato, slew Rudolph, took his standard, called by them "Band," and the helm by which he was distinguished in battle; and the Heruli were so brought down by the defeat, that they elected no future king, while the Lombards waxed continually in power, wealth, and renown. Tato did not long enjoy the glory of his victory; he was slain by Waccho (called Vases by Procopius), who raised still higher the fame of the Lombard name. In 539, Witigis, the Ostrogothic king, applied to him for help in his distress; but Waccho was living in alliance with Justinian, his daughters were married to the Frank kings Theudebert and Theudebald, and he regarded the heroic struggle of the Ostrogoths with indifference. Waccho himself was not without domestic uneasiness. The first kings of the Lombards were Lithingi. Waccho had an only son, Walthari, a child; but there was living in exile another shoot of the Lithingi family. When Tato fell, his son, Hildichis (called by Procopius Ildigisal) sought refuge among the Gepids, thence proceeded to Constantinople, where he was received by Justinian, and Waccho knew full well that Justinian could at any time convert the refugee into a rival. (Procep., iii. 35; Paul. Warnef., i. 21, 22.) Waccho died early, leaving the child Walthari in the guardianship of a noble Lombard, called Audoin; Walthari, after a seven years' nominal reign, followed his father, and Audoin was raised by the Lombards on the shield.

When the Ostrogoths, in the year 489, quitted Pannonia for Italy, the greater part of it, too distant from the seat of their new settlement to be retained, fell nominally under the power of the Romans, but was really the prey of any barbarian tribes which chose to settle within its limits. The Gepids, who, in addition to their pos-

sessions of Dacia, had pushed over the Danube, were by far the most formidable, and the most enterprising of the peoples with which the Romans had to deal, and their dealings usually took the persuasive form of subsidy. But about 548, Justinian ceded Pannonia to the Lombards in the hope that they would form a defence of the eastern empire against the Gepidæ, or, at least, that the two peoples might counterbalance, and waste their strength upon each other. Audoin, the Lombard king, was particularly favoured by Justinian, who bestowed upon him in marriage Rodelinda, daughter of the Thuringian Herminfrid, whom a strange destiny had carried to Constantinople. The Lombards and the Gepidæ thus became neighbours, the possession of Sirmium became an object of contention to each people, and both sent ambassadors to submit their differences to Justinian. "O Emperor," said the representative of Audoin, "the Gepidæ, the Arian heretics, retain possession of Sirmium, carry off Romans into slavery, and boast that all Dacia is theirs, notwithstanding we hold with the Romans in faith and law, and hate as heartily the Arian name." "Look at these Lombards," cried the Gepidæ, on the contrary side; "the thieves want to steal Sirmium from us. Heretofore, when we have proposed to submit to thy award, Emperor, they have preferred war; but now, conscious of weakness in arms, they think to gain their unjust cause by engaging the Romans on their side." (Procop. *Bell. Goth.*, iii. 3, 84.) Justinian decided in favour of the Lombards; the Gepidæ sought aid from the Huns (Procop., *M.* 135); Justinian, objecting to the Gepidæ that they had permitted the Huns to pass the Danube, sent military assistance to their adversaries, with Amalafid, the Thuringian prince; and, notwithstanding the imperial auxiliaries, owing to unaccountable dissensions among themselves, perhaps to the secret policy of their emperor, were of little use, the victory was in favour of the Lombards. (Procop., *M.* 139.) In 551, Audoin, in consideration of a subsidy, sent 5,200 men to the assistance of the imperial cause in Italy (Procop., *iv.* 25, 26, 83); but Narses, after the defeat of Totila in the Apennines, dismissed them on account of the license in which they indulged. It is the last we hear of Audoin.

The Lombard people elected Alboin, Audoin's son, to succeed him. These two kings were of the race *Gausis*. The date of Alboin's election is undetermined; but his first exploit was the destruction of the Gepidæ, which was effected between the years 555 and 558. The old animosity had continued between the two nations, though restrained, perhaps, by the policy of Justinian, who, while Avars, Slaves, and unknown tribes from the east, were darkening about the lower Danube, had no mind to break down its defences.

In 565 Justinian died. Alboin's hatred of the Gepidæ led him to seek an alliance with the Avars; the Gepidæ applied in vain to Justin for support; the empire was exhausted by the wars of his predecessor, and the emperor, moreover, was preparing for the long struggle with Persia. Alboin, strengthened by the Avars, defeated the Gepidæ in a bloody encounter, in which their king, Kunimund, fell, and their existence as a nation was determined; the remnant swelled the force of Alboin, and Germany was opened to the Avars, and Italy to the Lombards, by the event. It is said that Narses, exasperated by the insults of a foolish woman, the Empress Sophia, invited the Lombards into Italy, which had been reunited, by his victories, to the empire; it is certain that, in 568, Alboin broke up from Pannonia with Lombards, Gepidæ, Avars, Slaves, and even Saxons, having first made a treaty with the Avars, by which Pannonia was ceded to them, on the condition of its restitution to the Lombards in case their invasion of Italy should fail; and he took care to preserve the means of retreat by keeping open the passes of the Alps. At Forum Julii, in Friuli, he left a strong garrison under the charge of Gisulph, his relative, friend, and *Marpahis*, who became thus the first duke of Friuli; at the passage of the Piave he was met by Felix, bishop of Treviso, to whom, though himself an Arian, he made large professions of respect for the church, and secured, probably by timely concessions, the support of a large portion of Catholics. The proceeding of the Catholic bishops shews how little the church relied upon the eastern court. It seems unquestionable that Alboin and his people, notwithstanding the profession of his father, Audoin, to Justinian, were Arians—for Lombards are numbered among the Arians by the "*Historia Miscella*"—and continued for half a century after their settlement in Italy in the public exercise of that heresy. Perhaps, however, their Arianism, like that of the ancient Goths, was of a somewhat indeterminate nature, as well as free from bitterness and intolerance. Increased familiarity with the fiery controversies of the Greek and Latin theologians might change its character in every respect; but that such was its ancient state may be inferred from the instance of the Tetraxitæ, who were descendants of the Goths, settled among the Hunnish Uthurguri, beyond the Tanais, along the shores of the Mæotis. These remains of the Gothic race had continued, on the emigration of their nation, upon the soil they had so long possessed, still professed, in the time of Procopius, the simple Christianity which Wulfila had taught their ancestors, and, in the year 547, sent four ambassadors to Justinian, to beg he would send them a bishop to replace the one who had been removed by death. "I know not," says Procopius, "whether they belong, like other Gothic peoples, to the

Arian sect, nor do they even know it themselves; but they cultivate the Christian faith with simple and earnest piety." (Bell: Goth., iv. 4.) The Gothic nations who had emigrated into the west had doubtless fallen away by this time from the primitive simplicity of Wulfila; but, whether it arose from indifference or Christian feeling, it is certain that the Lombards were free from intolerance; and they reaped the benefit of their forbearance in the uncontested acquisition of Trevigo, Vicenza, Verona, Brescia, Bergamo, and all the cities of the present Venetian territory, which, with the exception of Padua, Monsilici, and Mantua, opened their gates to them. Milan, in 570, was stormed and plundered; the whole of Liguria lay open to them, and Pavia itself was besieged. That city held out until the third year, but no help was to be expected from the Exarch. The government of Constantinople was intent upon the Persian war; Illyria swarmed with Avars and Slaves; and the emperor and the pope were more interested in the "*Tria Capitula*" than in the progress of the barbarians. Amid such distractions the Lombards encountered little resistance in the first years of their coming into Italy, and even extended their forays into Provence, whence they brought back considerable booty. Alboin himself was murdered, in 574, at the instigation of his wife, Rosamunda.

History has preserved the memory of two celebrated Lombard queens. Rosamunda and Theodelinda. The story of the first is so wild and strange, that even in the days of the Deacon it seemed a romance. Rosamund was the daughter of Kunimund, king of the Gepidæ, on whose defeat she fell into the hands of Alboin. The first wife of Alboin, Clodosuintha, daughter of Chlotar, king of the Franks, died, and Alboin, captivated by the beauty of his captive, married her. It is a trait of the ferocity of northern habits, not perhaps peculiar to the Lombards, that when Kunimund fell, Alboin caused his skull to be fashioned into a cup, out of which to drink at solemn festivals; and at a feast in Verona, excited by wine, he called for the skull of Kunimund, and commanded it to be filled with wine, offered it to Rosamund, inviting her to drink with her father. "The thing seems incredible," says Paul, "but I speak the truth in Christ, and have seen the cup with my own eyes, when King Ratebis, at a certain festival, exhibited it to his guests." Rosamund, bent upon vengeance, won Helmichis, the king's "schilpor" (shield-bearer), to murder Alboin, which was done. She then degraded herself by marrying Helmich, and endeavoured, by means of the Gepidæ and others who adhered to her, to make him king; but the Lombards rejected him with contempt, and the guilty pair fled, with Albsuintha, Alboin's only child, carrying also with them much of the Lombard treasure, to

Longinus e Exarch, at Ravenna. Paul relates that retribution here overtook Helmich and Rosamund, and that Albsuintha was sent to Constantinople; but Agnallus states that Rosamund was deprived, by Longinus, of the treasures of which she had robbed the Lombard kingdom, and sent, with them and Albsuintha, to Constantinople, to the great joy of the Emperor Justin. (Paul. Warr., ii. 28, 29; Greg. Tur., iv. 35.) Whatever became of her, her name was a word of execration in the mouths of the Lombards.

Theodelinda, on the contrary, was revered as a saint. On Albin's death and Rosamund's flight, the Lombards elected for their king, Cleph, of the race Beleos, who came also, after a reign of eighteen months, to a violent end. Then followed a ten years' anarchy, during which the various Lombard dukes, of whom Paul reckons five and thirty, oppressed the inhabitants of Italy beyond measure, or pursued individual schemes of plunder in the territories of neighbouring peoples. Neither the Cottian nor the Pennine Alps formed an obstacle to their incursions. They penetrated in various bands, and at various times, to Ambrun, Valence, Grenoble in Provence, (Greg. Tur., iv. 39) to Martigny and St. Moriz, in the Wallis, though often defeated by the Frank and Burgundian leaders. Southward all Italy was over-run; in 578 Rome itself was blockaded; but the Lombard people at last made the discovery that this free-booting life was as hurtful to themselves as intolerable to all connected with them, and, in 585, they elected Authari, the son of Cleph, for their king. Authari's short and glorious life is a romantic legend, a leaf out of a Heldenbuch. The story of Authari and Theodelinda is one of the most beautiful of the Deacon's descriptions. The king attending his own ambassadors in disguise to the court of Garibald in Bavaria, his first interview with Theolinda; the cup, the maiden shyness, the return of the embassy over the Alps, attended by a Bavarian escort, the acclamations of the Bavarians as on their arrival at the Lombard border, the king, first casting his battle-axe against a tree with hero aim and force, and exclaiming, "Such are the strokes of Authari!" set spurs to his horse and disappeared, the flight of Theolinda from the embittered Franks to the arms of her lover, her reception on the plain Sardis, near Verona (Paul. Diac., iii. 29), are all depicted with the feeling of a poet. Authari died young, after a glorious defence against the united arms of the Franks and imperialists; "cut off," says Pope Gregory (lib. i. c. 17), "in his wickedness; for he was not permitted, by divine Providence, to see another Easter; because he prohibited the Catholic baptism of Lombard children." Such was the judgment expressed by Saint Gregory in a circular to the Italian bishops, in which, moreover, he admonishes them to warn

the Lombards in their several dioceses that the heavy mortality which then desolated Italy was the punishment of their heresy, and that the anger of the Lord would be averted not by repentance, justice, and mercy, but by bringing these Arian innocents to Catholic baptism. This, too, is a sign of the times.

Theodelinda had so acquired the love of the Lombards, that they besought her to contract another marriage (Paul. Diac., iii. 34); they could not submit to a female sovereign, but they promised—the noblest homage perhaps ever offered to a widowed queen—to elect for their king whomsoever she might choose for her husband. Her choice fell upon Agilulf, a kinsman of the departed Authari, who, in May 591, was raised on the shield at Milan. Agilulf reigned with great fame till 616. It is to him that the Lombards owed the firm establishment of their kingdom in Italy. Having made a separate peace with the Franks, he re-conquered from the emperor whatever had been lost in the war, added Monsilice, Mantua and Cremona to the Lombard territory, compelled Rome to ransom itself by the payment of a large sum of gold, which Pope Gregory, who had laboured earnestly to save the city, must find means to raise (the holy man compares himself, in a letter to the empress on this occasion, as a paymaster of the forces, who must find money for everything); and, finally, by the mediation of the same pope, secured the Lombard kingdom by a solid peace. Agilulf is said to have been brought over to the Romish faith by Theodelinda; their son, Adelwald, was certainly baptised in it, to the great joy of Gregory, and it appears that about this time, or shortly afterwards, there was a Catholic and an Arian bishop in most of the cities of Lombardy. Theodelinda did much to humanize the savage Lombards by her virtues and accomplishments, or rather by her inborn refinement. She endeavoured to introduce civilisation among them by works of art not unsuited to the genius of a warlike people. She adorned the palace which she built at Monza with pictures of the deeds of the Lombards, which were yet visible in the Deacon's time, founded at the same place the church of St. John the Baptist, the patron saint of the Lombard kingdom, and enriched it with many a relique; for Theodelinda, if she was superior to the age in goodness, was not behind it in credulity, as is testified by the Gradual, or service-book, for the reliques presented to her by Pope Gregory, which is yet shewn in her church to the curious traveller. Her tomb still remains in the north transept of the same cathedral, in the treasury of which are also exhibited her comb, her fan, her cup of blue glass, supposed, in those ages, to be sapphire, and other articles of simple, even rude, domestic luxury. To many these memorials of female vanity, preserved in the church of

St. John for twelve hundred years after their proprietor was dust, are objects of greater interest than the iron crown, kept in the same cathedral, with which five and thirty kings of Italy have been crowned.

The Lombards, unlike the Franks, Ostrogoths, and Wisigoths, appear to have entertained little reverence for a single reigning family; there was among them no Amala, Balthi, or Merovingian race, to weigh down their natural liberty. Whatever might be the merits of a Lombard king, his son, if thought insufficient, was set aside, without scruple, and a stranger from another Adeling family elected. Thus it fared with the son of Agilulf and Theodelinda. (Paul. Warn., iv. 31.) His father, perhaps in the hope of founding a dynasty, had, in the year 605, procured the election of the young Adelwald, who, for eleven years, enjoyed the title of king; but no sooner was the strong man's head laid, than his feeble son was driven away, and Ariowald, of the race Caupi, elected in his stead. (Paul. Diac., iv. 43.) If the table of Lombard kings be examined, it will be found that, with the exception of Leth, Childehoe, and Godehoe, in an age wherein there is little certainty, that no more than two persons of the same family occupied consecutively the Lombard throne: and it happened, in many of these cases, that the second person was quietly deposed. Of the Gausis family, were only Audoin and Alboin; of that of Beleos, Cleph and Authari; the latter of whom was elected ten years after his father's death. Agilulf's son was deposed; Authari was followed by Rodwald, whom an early death saved from a similar fate; Aribert's sons were displaced by Grimwald, the Duke of Benevent; Ausprand, indeed, was succeeded by his son, Luitprand, the best and greatest of the Lombard kings; but all the care and foresight of the latter in procuring the election of his grandson, Hildebrand, eight years before his own death, were ineffectual: the story of Agilulf and Adelwald was repeated, Hildebrand was deposed by the Lombards on Luitprand's death, and Rachis, the Duke of Friuli, elected. These frequent dynastic changes afford significant evidence that the Lombards were fresh from the wilds of Germany. No people preserved German customs in greater purity, or had a greater respect for nobility of birth. They came to Italy in tribes, over each of which was an hereditary Adeling, but the "*able and cunning*" man was essential to their prosperity, and they elected a general leader out of the number of hereditary Adelings, in the very manner described by Tacitus. (Tac. Germ., vii.) As they entered Italy in broad daylight, no traditionary Amala or Merovingian glory could be invented to smoothe the way of some powerful Adeling to an hereditary throne; and placed, as they were, in the midst of

powerful enemies, with every inducement to union among themselves, no Chlodwig found the opportunity of founding a monarchy by weeding out one by one his brother Adelings. Hence the Lombard Adelings preserved, under the name of dukes, a power and independence not found in other German states at that period; and, from this cause, it has probably happened that the origin of the Feudal system has been ascribed to the Lombards.

The advocate of the elective principle in monarchic government might point, with something like triumph, to the succession of great men, who followed one another, at brief intervals, upon the Lombard throne. While the Merovingian race was sinking daily deeper into depravity and weakness, the Lombard kings were still adding to the lustre of their nation, which became brighter every generation, till it attained its full glory in Liutprand. Few states can exhibit such a series of "able and cunning men" as Audoin and Alboin, Authari and Agilulf, Rothari, Grimoald, and Liutprand; yet, as all were chosen for the same excellence—military virtue—their election is a repetition of the same scene, and it would throw little light upon the condition of the people to trace the particulars of their history. There are three names, however, in Lombard history, which deserve especial mention, from the changes they brought about in national usages: Rothari, Grimoald, and Liutprand. Rothari was the founder of the Lombard written law; to Grimoald is to be attributed the conversion of the Lombards to Christianity; to Liutprand, the full bloom of Lombard civilisation. Rothari was of the family Arodos. Like the other Lombard Adelings, he was proud of his ancestry, whose uncouth names for ten generations are recited in the preface to his law. Prior to his reign, the Lombards had no law but custom and traditions, which Rothari, perhaps with Theodorich before his eyes, gathered into a book and called "the Edict," and this Edict, which consists of 390 articles (Paul. Warn., iv. 44; Georgisch Roth. Leg., 946), was submitted, in the eighth year of his reign (A.D. 643), to the assembly of the people, and was, by them, sanctioned as the law of the Lombards. Some additions to Rothari's Edict were made by Grimoald (Georgisch, 1023; Paul. Warn., lib. v.), who was elected king, on the expulsion of Bertrand, son of Aribert. Grimoald, who, prior to his elevation, was duke of Beneventum, was also a successful warrior, for he drove the Greeks from Bari, Taranto, Brindisi, and the Terra d'Otranto, so that nothing remained to the Roman emperor, in southern Italy, but the towns of Naples, Otranto, Gaeta, Gallipoli, and a few places on the Calabrian coast; his spiritual reformation was, also, effected without violence or in-

tolerance; he conformed to Catholicism himself, and the Lombards, by degrees, followed his example. To Liutprand, who was raised on the shield in 713, belongs the praise of enlarging the Lombard boundaries to their widest extent (Paul. Warn., lib. vi.; Georgisch, 1927), of extending and confirming the reign of law, of enhancing the glory of the Lombard name, by his deeds, and yet more by the lustre of his virtues. The mind looks round in vain, in these dreary ages, for another Liutprand; and the imagination, if it attempted to portray a perfect man, could add little to the character which Warnefrid's son has drawn of him. (Paul. Warn. vi. 58) "He was," says he, "a man really wise, sagacious in laying his designs, yet, withal, just and upright—a warrior, and yet a lover of peace; mild to offenders, merciful, chaste, modest, bountiful, unwearied in watching and in prayer; ignorant, indeed, of letters, but, in true wisdom, not behind the greatest philosophers, the guardian of the laws, the nourisher of his people." He died in 744.

Thirty years had sufficed to undo the work of the great Theodoric; and in thirty years after the decease of Liutprand, the Lombard kingdom was no more. Neither the Ostrogothic nor the Lombard state fell from the enervation of prosperity; but a great cause of the ruin of both may be found in the enmity of the Church of Rome. The Romans were the natural enemies of the Lombards. Rome had suffered so much in the Gothic wars; the calamities of Italy were so coupled in the minds of her inhabitants with the Arian heresy, that it is not astonishing that a new irruption of Arians should be regarded by the popes and the people with horror. (Greg. Magn. Epist., xiii. 38.) Agilulf was the evil genius of the first Gregory, who would willingly have sacrificed Theodehinda and his hopes of Lombard conversion to get rid of the dangerous neighbours; and throughout the long quarrel of the Lombards and the eastern emperors, the pope and the Romans, influenced by traditional ties and identity of doctrine, were the natural allies of the latter, till the ancient union was interrupted by the Iconoclastic controversy. At that period the Lombards had renounced their early errors, and become spiritual children of the Roman bishop; but they were regarded by their fathers in Christ with fear rather than love; for, reclaimed though they were, they were still the dangerous neighbours; and in the fierce correspondence which image-worship gave rise to between Leo the Issaurian and Pope Gregory the 2nd, wherein the former threatened to deal with him as his predecessor had dealt with Pope Martin, it was not to them that Gregory turned for support, but to the distant Franks. Euse-

grand, indeed, though a devout man, and at war, moreover, with the Greeks, took no part in the discussion respecting the images, but quietly turned the dissensions of the ancient confederates to the advantage of the Lombards, capturing one place after another in Emilia and in the Pentapolis. In 726 he made peace with Leo, and mediated a truce between Gregory and the Exarch, which was destroyed in 730 by a still fiercer imperial edict against the images. New exasperations and scandals between the spiritual and temporal chief ensued, which were not abated by the death of Gregory, which took place 10th Feb., A.D. 731, but were prosecuted with increased rancour by his successor, Gregory 3rd. The attention of the Lombard king was occupied in the meantime by an event more important to Christendom than the subtleties of image-worship—the progress of the Saracens in southern Gaul; and it is said that he made preparations to march to the assistance of the Franks, though his purpose was made unnecessary by their defeat; but in 739 a new quarrel arose between Gregory and the Lombards, the cause of which was the intrigues of the dukes of Beneventum and Spoleto to withdraw from the Lombard state, and to unite themselves with the Romans; and Liutprand marched to Rome, encamping on the Tiber, near the church of St. Peter, from whence Gregory complains he carried off the candelabra and other valuables, which pious men had bestowed on the prince of the apostles. In this extremity Gregory applied to Charles Martell, the house-major of the Franks, for assistance; but Charles, who entertained such esteem for Liutprand that he had sent his son Pipin to him for the ceremony of the first cutting of the beard, was satisfied with his explanations, and, in the following year, the Lombard visitation of Rome was repeated. Gregory appealed more urgently to the Frank, asserting that the only crime of the dukes was their devotion to the church, and hinting that the excuses of Liutprand had been too easily accepted; he even sent him the keys of the apostles' tomb, and proffered him the dignity of Patrician of Rome. These negotiations came to nothing; for the parties to them, Charles and Gregory, as well as the original author of the ecclesiastical schism, Leo, died in the same year, 741; and Zacharias, the successor of the latter, giving up the cause of the dukes, made peace with Liutprand, and gained, from his magnanimity or devotion, more than had been lost by Gregory's obstinacy and violence. But this dealing of the head of the Romish Church with the Franks, though it brought forth no immediate fruit, was pregnant with important consequences. Since the expedition of Childebert, in 591, the Merovingian kings had not meddled in the affairs of Italy; but those degenerate monarchs must now give place to the young vigour

of the family of Pipin, and this correspondence of Gregory with Charles was the first step to that intimate union of the Carolingians and the Romish Church, on which the future greatness of that family was founded. It brought about, in 744, the destruction of the Lombard kingdom, and opened a way for Charlemagne to grasp the imperial crown.

CHAPTER VI.

The Probable Causes of the Barbarian Success, and of the Downfall of the Roman Empire.

THE progress of luxury to degeneracy and decay is no new history, or it might excite surprise that the struggle of the barbarians with the Roman world gave rise to no display of patriotism among the inhabitants of the Roman provinces, who, for centuries, had been proud to call themselves Roman citizens. No general insurrection for the purpose of stemming the progress of the enemy took place among them, no voluntary union of the people among themselves for the protection of house and hearth appears to have been thought of, no single instance of self-offering and devotion is recorded during the long and dreary period which preceded the downfall of the empire. The war was the war of the Roman government; it was carried on by a standing army, or by the arms of mercenary auxiliaries, and the people, so far from arming in defence of their country, looked on with indifference, sometimes even with favour on their assailants. Few nations, however inconsiderable, have, either in ancient or modern times, yielded to the pressure of foreign invasion without some effort, without striking, at least, one blow in their own defence; the most slavish, as well as the most free, has usually something which it would willingly preserve with its blood; and even Poland, the degraded Poland, where the bulk of the population were serfs, did not sink without a struggle which would have done honour to a free land. But it was otherwise with Imperial Rome, with the empire which the children of her conquerors still regard as the source of their civilisation. The laws which are now venerated as the perfection of reason, the

letters of which the study yet forms the chief business of our universities, the arts whose remains modern artists pass their lives in contemplating without the hope of imitating, the cities rich in every appliance of pomp and convenience, all these, together with the proud title of Roman citizen, were given up as if they were unworthy of care, though there could be no hope, at that time, that they would not be for ever buried beneath the barbarian torrent.

Much of the helplessness of the Provincials is to be attributed to the general policy of Rome, which took the weapons out of the hands of her subjects. When a people contemptible in physical strength makes extensive conquests, the possession of them can only be secured by depriving the conquered of the means of resistance, and by making the means of resistance unnecessary. Rome required of the provincials the abandonment of the independent or national exercise of arms, and as she gave them in return complete security, and ensured them the means of enjoyment, it was a natural consequence that the love of ease and sensual indulgences, and the refinements of civilised life should, in time, supersede the allurements of military glory. So thorough an alteration of national habits could not, nevertheless, be suddenly effected. The conquest of Italy had cost centuries to effect; the inhabitants of Britain and Gaul, whether Celtic or Belgian, inferior to the Romans in science, not in valour, had been with difficulty subdued; and as the total and immediate extinguishing of the warlike spirit was neither possible, nor even, in the constantly waxing necessity from new military resources, desirable, it was, above all things, essential to control it, and to make it Roman. In the first stage of the process, bodies of the subjugated barbarians were invited to serve with the Roman armies, under the command of their own princes, with the title of allies; in the second, small troops of them were distributed among the legionaries, or barbarian cohorts were stationed on frontiers far distant from the land of their birth; the last mingled them promiscuously in the legions. The very order of this gradation may be observed. In the times of Augustus and Tiberius, the Transalpine Gauls were serving as independent auxiliaries; while the natives of Cisalpine Gaul, who had been longer subdued, were enrolled, promiscuously, with Italians among the troops. When Probus subdued the Alemanni of the Agri Decumates, he required that they should give up their arms, and trust to the Roman government for protection; and he was defeated in his design because it was too precipitate: there was no time for the necessary gradations of habit; there were no cities in the re-conquered territory; the Alemanni immeasurably too far from refinement to make a life of ease tolerable; and perhaps the rural habits of the Germans

would have interposed insuperable difficulties in the way of Roman civilization. With the provincials of Italy, Gaul, and Britain, the period of transition had long been past; they were no longer nations of warriors, each individual emulous of personal glory; but, content with the ease and luxuries of municipal life, they were glad to leave the cares of defence to the government and to a standing army. The degree which the pitiable helplessness of Gaul had reached in the fifth century may be seen in the vivid pictures of Salvian, himself a provincial Roman, and an eye-witness of the degradation of his countrymen. An even more impressive proof of decay may be found in the history of Britain. The inhabitants of that island, who, five hundred years before, were within little of overthrowing Cæsar himself, confessed themselves unable, when Rome had withdrawn her troops, to make head against the Picts, a people incomparably inferior in numbers to themselves, and sought safety in the hired swords of a few Saxons, who came over the sea in three ceawlas.

But the most powerful agent in bringing about the good and the evils of civilized life, was the introduction of Roman municipal institutions into the provinces. These institutions, though they took a settled form by degrees, were the inevitable consequences of the Roman system of colonisation; and, if they account for the high degree of prosperity and splendour attained by the cities under the best years of the Roman government, in them must also be sought the source of the intolerable miseries suffered by the provincials in its decline—miseries which made them look even to primæval barbarism as a relief. So intimately were the peculiar legal institutions of Rome bound up with the sufferings of the provincials in the fifth century, that it will be useful to take a view of the opposite principles on which society in Roman and German commonwealths was founded, a view the more important, inasmuch as these opposing principles are found mingled together after the termination of the western empire, and as they give the clue to the two great elements of modern civilisation, which, though still mingled together, still preserve their original distinctness. Among the Germans it was the ownership of land which conferred all public rights. The free-holder was the sole free man *optimo jure*; he paid no tax; he alone had the right of counsel, justice and the sword, representing and being answerable for every other being who lived upon his land. He may be called the Integer of the state. The necessary result of such a principle was, that the Germans had no cities. Instead of living together in communities, every Wehrman dwelt, a little potentate, upon his own land, whether it were of great or small extent, in the midst of his family of free and unfree dependants. The Roman state,

on the contrary, may be likened to an *universitas*. With the Romans the city was the Integer, and it was the complete or incomplete participation of municipal rights which determined the place of the individual in the state. The earliest idea we have of the Roman commonwealth is a city with a territory of public land belonging to it, the possession or enjoyment of which was limited to the *populus*, or citizens. It does not appear that the *populus*, or patrician portion of the community, citizens *optimo jure*, were, in the earliest times, proprietors, to any great extent, of private land, but only in the exclusive enjoyment of the public lands, which they cultivated for profit by slaves. There was private land, but the owners of it were, originally, not even citizens, but persons of a distinct and inferior class, probably descendants of the ancient rural inhabitants, who lived partly in the city and partly on the land itself, and were tributaries to the state. Thus, from the first dawn of Roman history, cultivators of the earth were a degraded race; they were bound to tribute and military service, but had no rights; the citizen alone was free. The Roman's rights and privileges, his rank and nobility, were all founded on the fact of his being a citizen; and while the German commonwealth consisted in the union of a number of Integers, each in the enjoyment of independence, with the Roman the community, the city, was the state, and all rights depended on a participation in the conventional rights of the community.

The acquisition of large districts of territory by the Roman people produced no alteration of this national characteristic. Numbers of Roman citizens became possessors of enormous estates in Italy and elsewhere; but the possession was regarded merely as a source of wealth, and in no way introduced new relations between the possessor and the land. "When the Romans," says Appian, "conquered any part of Italy, they appropriated part of the land; sent Roman colonists, who built cities, which served as fortresses, or settled in the cities already in existence. Of the cultivated lands so occupied, part was allotted to the colonists; part was sold or let to farm; and, with respect to the waste lands, which, from the consequences of war, usually constituted the greatest portion, they gave public notice that any one who chose might cultivate them on the payment of one-tenth of the produce of arable land, and one-fifth of that of the olive gardens and vineyards. Pastures, which naturally were undivided land, might be grazed on the payment of so much a head for each kind of animal." This system naturally threw a wide extent of land into the hands of those who were already rich; for only such could find the necessary capital to reclaim or turn it to advantage. "And these," continues Appian

(de Bell. Civ., i. 7), "convinced that the possession of such lands could never be taken from them, get hold, sometimes by purchase, sometimes by violence, of the portions belonging to poorer persons, which were contiguous to them, and thus became lords of extensive districts, which, in order that their farmers and shepherds might not be subject to military service as freemen were, they cultivated by means of slaves, and derived great profit from their increase. Thus the great became very rich." This passage shews the way in which the Roman patrician often became so enormously wealthy, as well as the degraded condition of the agricultural population; it is a proof, also, that the land was valued only as a source of profit. From the earliest to the latest times the Roman had no love for rural life; no sympathy with agricultural pursuits; and though, in the times of luxury, a villa was a fashionable necessity, it was only the town transported into the country, and eagerly quitted so soon as the summer heats and the conventions of fashionable life permitted. His tastes, his pleasures, his occupations, were all connected with the city; his very pastorals are not representations of any actual existence, but such pictures of country life as, in the present day, might be drawn by a Parisian. These broad characteristics of the German and Roman elements of society, though gradually fading, may be traced in the mixed population of western Europe down to the present day. In England the German element has constantly predominated; in France the Roman. In the latter country the reliques of the Frank conquest must be sought in the hunting, shooting, fishing nobles of the old regime, who were extirpated, as a class, by the revolution.

From the first, a far greater congeniality in propensities, habits, and social customs and institutions, may be discerned between the Romans and the Celtic nations than can be found between the Romans and the Germans. The resemblance lay much in the grossness and ferocity of superstition, a natural proneness to cruelty, and an indifference to bloodshed, common to both peoples; but more in their gregarious habits, their congregation in cities, and the aristocratical nature of their social economy. With the Celts, as with the Romans, the city was the state; and, as in early Rome the free inhabitants were divided into two classes, separated by blood, or, as the Romans expressed it, between which there was no *connubium*, so, among the Celts, the nation was composed of a city nobility, which monopolised the governing powers; and of a commonalty little raised above the capacity of serfs. Of the Iberian race, by which Aquitaine and Spain were peopled, and which, as far as may be judged from their language, was equally distinct from Celts and Latins, we know little beyond the fact that they also pos-

nessed cities and institutions resembling those of the Celts, though these may be, possibly, the consequence of intermixture, inasmuch as Celtic names as well as Basque are found in all parts of Spain, except at the foot of the Pyrenees and on the south coast, and are probably, like the Basque, ur-old. Even among the Belgians, who were unquestionably of German origin, Cæsar found cities, some of which boast of no mean antiquity; and, it may be remarked, that wherever he found cities he found the same disposition to faction which he complains of among the Gauls; facts which lead to the supposition that in some Belgian states, at least, as among the Treviri and the Remi, the Germans, on the conquest, had settled down amicably with the Celts together. Thus this city-life, which was found in Gaul, was a natural preparation for the reception of Roman municipal institutions.

In order to arrive at the causes of the progressive decay of provincial prosperity, as well as to shew the condition of the provincial Romans under the Frank monarchy, it will be requisite to advert to the nature and history of Roman municipal institutions in Italy, and their extension and particular modifications in the provinces; for in their origin there was a radical difference in Italian and provincial organisation, particularly with reference to the administration of law and the tenure of land, which, however, under the imperial government, gradually lost its early character, so that, in the time of the Theodosian code, little of the ancient distinction can be recognised, and the last remains of which were formally abolished by Justinian. It must be premised that the Italy of republican Rome extended northwards only to the Apennines, and to a boundary line beyond them on the Adriatic side, variously given by various authorities as the *Æsis*, the *Rubico*, *Ancona*, and the *Po*; the fertile plains of upper Italy constituting the Roman province of *Gallia, Cisalpina*, or *Togata*, which was governed, like other provinces, by a pro-consul, until the year 43 B.C., when the last provincial governor having been murdered, a *Lex Rubria de Gallia Cisalpina*, shortly afterwards, by providing for the administration of justice by *Duum* or *Quatuor viri*, brought the Cis-alpine province nearly to a level with the ancient Italy. The broad features of municipal organisation were the same in Italy and in the provinces. The settlements of the Romans appear under the various names of *Coloniæ*, *Municipia*, *Fora*, *Conciliabula*, *Castella*, places of various degrees of importance, and possessing many grades of privilege, some enjoying the *Jus Italicum*, some being *Latii jure donatæ*, and others *Stipendiariæ*; but in all, the free population was divided into two orders, which, like the *populus* and *plebs* of Rome before the passing of the *Lex Canuleia*, were separated by

blood; or, to use the Roman expression, between which there was no connubium. In the smaller towns the organization would naturally be less complete; but in all towns might be found a patrician class called Decurions, *Ordo*, or *Ordo-decurionum*, *Curiales*, who were *Cives, optimo jure*. From this body, in Italy at least, a senate, or *Curia*, said generally to have consisted of one hundred members, appears to have been elected; in the provinces the *Curia* seems to have been unlimited in number, and probably embraced all *Curiales* of fitting age and capacity, though the Curial power was chiefly exercised by a committee of the most distinguished, who were termed *primates* and *honorati*. The condition of the other free men of the city, the *Cives non optimo jure*, was the same everywhere. They had rights of their own with regard to their craft and occupation, but were altogether severed from the ruling order. It is probable that in Italy this constitution is older than Rome; in Gaul a similar division was found by Cæsar on his first visit; in both countries it subsisted to a very late period, if its traces are even yet obliterated; but in Italy it was combined with some important privileges, which had been conceded by the Romans at their first conquest of the Italian states, and continued till the general destruction of popular rights. In Gaul these privileges were from the first denied, though there can be no doubt that the condition of the plebeian portion of the Celtic population was considerably improved and elevated during the first centuries of Roman power.

The most important of the privileges of the Italian cities was the right to elect their own magistrates. By a magistrate is to be understood a person *qui juri dicundo præest*, and the election of one of themselves to discharge so mighty an office was naturally regarded by the citizens as no trifling part of the franchise which they had enjoyed since the Italian war. In some few cities, indeed, appears a *Præfect J. D.*, who was sent annually from Rome, but these were exceptions to the general rule, and, in some instances, the punishment of misconduct. The municipal magistrates were named, according to their number, *Duum*, or *Quatuorviri*. They were chosen by the Decurions (whatever may have been the practice of the remotest times) out of their own body, for it was necessary that the *Duumvir* should be of Curial blood; their office lasted for a single year. The ordinary mode of election was, for the first *Duumvir* in office to nominate his successor to the *Curia*, and the *Curia* proceeded thereon to election, though, as the nominator was responsible for the acts of his nominee, he gladly waved the honour of nomination in favour of the imperial governor of the province, whenever that functionary desired the promotion of a particular individual. The office of

the first Duumvir was twofold: he enjoyed the presidency of the Curia, and he presided over the administration of justice, from which latter capacity he derived his title of *Duumvir jure dicundo*. In his judicial functions he possessed, in early times at least, the imperium, his jurisdiction resembling that of the Roman consul before the prætorship was separated from his office, though criminal justice appears so have been taken out of his hands at a later period, and placed in those of the Roman official. In civil matters his jurisdiction, like that of the Roman magistrate, was both *contentiosa et voluntaria*: the former was the capacity of bearing suits, the latter the power of giving validity to such acts as manumission, adoption, etc., as required legally to be done in the presence of a magistrate. As a consequence of Imperium, he could name a Judicium; for it must be borne in mind that the Roman magistrate did not try the facts of a cause, but named a Judex out of a college of Judges, to whom he referred the investigation, a principle still to be found, in English law, in the reference of an equity judge to the master in chancery, though, in Roman law, the sentence of the Judex was final, without report to the magistrate: hence the distinction between Jus and Judicium, the preliminary, legal, or jurisdictional proceedings before the magistrate being said to be *in Jure*, the consequent inquiry before the Judex *in Judicio*. In Cis-alpine Gaul, when, in consequence of the abolition of the proconsular office, the Imperium was lost, similar jurisdiction was conceded to the municipal magistrates by a special Lex, though only in matters involving a limited value (generally 15,000 Sesterces), cases of greater importance being reserved for the hearing of the Roman prætor. The independent powers of the Italian magistrates were soon found to be incompatible with the despotism of the Cæsars, and they were speedily encroached upon by the imperial officers. Hadrian placed Italy, with the exception of the district depending immediately upon the Roman prætor, under four consules, who, by Marcus Aurelius, were replaced by officers of less dignity but similar powers, bearing the name of Juridici. Many more juridical changes ensued, till, by the Theodosian code, the government of Italy and the provinces was assimilated. From the time of the appointment of the imperial juridical authorities, the powers of the city magistrates continued to diminish; they lost the Imperium, and dwindled into *magistratus minores*, retaining a jurisdiction, in first instance only, and that only in unimportant matters, all appeals and all proceedings in subjects of weight being reserved for the Imperial Judges.

Besides the Duumviri Jure Dicundo were the elective Duum (or Quatuor) viri, usually called Quinquennales, whose office resembled

in most points, that of the Roman censors, and, indeed, they are termed *Censores* and *Curatores*. They were elected by the *Decurions* every fifth year, but their office continued only a single year, the four intervening years being vacant. Their duty was the care of the public works and buildings, the farming out of the common lands, and the receiving of the rents. As no one could be elected *Quinquennalis* who had not served the other municipal offices, the post was esteemed one of greater dignity than that of a *Duumvir J. D.*, though the power and importance of it were infinitely less.

Roman law, which delights in subtleties, and never goes directly to the point, distinguishes two kinds of title to real property: *Dominium*, or absolute ownership, called also *Quiritarian* ownership; and *Possessio*, or the right of occupation and enjoyment, as distinct from *Dominium*. *Quiritarian* ownership could only exist where there was the right of *Commercium*; therefore, only in Italy, or in cities having the *Jus Italicum*. Possession might be changed into *Quiritarian* ownership by *mancipation*, which Gaius terms "*imaginaria quedam venditio*"—a fictitious sale; by the *In jure Cessio*—a fictitious suit, resembling the English forms of conveyance by fine and recovery; and by *Usucassio*, or prescription. As the *Commercium* conferred the right to these forms of proceeding, and as Italy enjoyed the *Commercium*, it follows that the tenure of land in Italy was, for the most part, that of absolute ownership.

One important consequence of *Quiritarian* ownership in land was, that the land was freed, by that very fact, from the payment of the land-tax.

In the provinces, things stood upon another footing, with relation to the three important points of the administration of justice, the tenure of land, and the system of taxation. The cities which enjoyed the *Jus Italicum*, and were consequently freed from the general rule of government, were not numerous, at least, in western Europe. Pliny mentions a few cities in Spain which enjoyed this privilege; but in Gaul, Cologne, Lyon, and Vienne are the only names which have been preserved. There was an *Ordo* and a *Curia* in every city, but, with these exceptions, no elective *Duumvir J. D.*; the law was entirely in the hands of the *Rectores*—called, in later times, *Judices ordinarii*—and their legates, who were appointed by the imperial government; and so minutely did the Roman Jurists distinguish between the Italian and provincial municipal duties, that the service, which in the Italian cities received the designation of an Honour, was, in Gaul and elsewhere, stigmatised as *Munus*—a burthen. Instead of the *Duumvir* appears the *Principalis*,

whose title to the presidency of the Curia was that he was its eldest member, the first inscribed in its *Album* (Cod. Theod., xii. 1, 171); and he was compelled, when once, by the course of time inducted, to serve the office for life; or, at least, it was only when he had filled it for fifteen years—which must have been a rare occurrence—that he had a claim to be released from its duties. In power, or rather in actual insignificance, the *Principalis* and his Curia approached nearest to the *Bürgermeister* and *Rath* of a German Stadt in the present day, which exercises the administration of the town domains with their responsibilities; while the government of the Stadt, the entire active power, the police, the executive, down to the control of the guilds of bakers and butchers, whose prices he regulates by his absolute will, is vested in the hands of the Stadt-director, who is appointed and sent by the sovereign. But the ancient Curia was loaded with fearful responsibilities and burthens, from which the modern corporation is free. The responsibilities of the two main branches of the public revenue were imposed upon it, and originally, perhaps, this duty was a source of distinction, influence, and profit; but it was coupled with the condition of the collective and individual liability of the whole body of *Decurions* for its payment, which, in adverse times, brought unspeakable miseries upon them. These burthens are so particularly connected with the tenure of land, and the system of provincial taxation, that it is necessary, before proceeding further, to advert to these subjects.

The property in the soil, *Dominium*, in provincial lands, was assumed by the Roman Jurists to be vested in the Roman people, and, later, in the *Cæsar*, which for legal purposes is the same thing; there could be no *Quiritarian* ownership except in the cities which enjoyed the *Jus Italicum*. As *Possessio* was the legal term to denote the enjoyment of public lands, so those who may be considered the actual owners of provincial property were held by the law to be only in possession, and uniformly appear, in the legal documents and writings of the times, under the designation *Possessores*. All public lands were liable to the land-tax, the *Possessores* therefore paid a land-tax for their property, amounting usually to one-tenth for corn-land, one-fifth of the produce of vineyards; there was also the *Scriptura*, or rent of the public pastures which were let for the grazing of cattle, which probably never ceased, though, in the time of the empire, the *Scriptura* is no longer mentioned. All free persons, who were not *Possessores*, paid a *Capitation-tax*, according to their property. This tax was called *Tributum*, and the payers of it *Tributarii*. Some were settled, as cultivators, upon the land of the *Possessores*; some dwelt in the cities, where they carried on the

various trades required in civilised life. These two taxes, the land-tax and the tribute, were the chief direct taxes; but there were others of considerable importance, as *Portoria*—transit duties, the *Centesima* upon things sold; the *Vicesima*, or successions, of which our knowledge is very imperfect, and which probably varied at various periods. These taxes, as well as the *Scriptura*, the *Metalla*—mines, the *Salinæ*—Salt-works, seem to have been farmed out to the various companies of *Publicani*; while the direct taxes appear, at least in later times, to have been much in the hands of the Curial magistrates and their officers.

A new tributary indiction was sent out every year by the imperial government to each of the Rectors of the various provinces, by whom it was apportioned out among the different municipia of his jurisdiction. The demand of a certain sum in gross having been made by the Rector on the Curia as the portion of the *tributum* due from its community, the duty of assessing the share of each individual fell upon the Curia, and was virtually performed by the *Principales* and their *Tabularii*, to which latter officers was committed the task of making out the tax-book. It is obvious that such a system invited corruption and injustice. The Rector was only responsible to the government for the amount of the indiction (*Salv. de Gub. Del.* v. 4, 7,; *Symmach.*, lib. ix., *Epist.* 10.), but he might levy a much larger sum upon the communities, without the latter having even a knowledge of the wrong; the *Curiales*, again, would reimburse themselves by fleecing the *Tributarii*, or the *Principales* might exercise the grossest partiality. All these delinquencies were, in fact, matters of the most ordinary occurrence; they could not be redressed, for the parties to the robbery were the depositaries of law and authority, nor could it be expected that the Rector (*Judex ordinarius*) would enquire into crime, when he himself was perhaps the greatest criminal. *Salvian* bitterly reproaches these *Judices* for making estates to themselves out of the tributary indictions; again, with respect to assessment of individuals, he remarks, "How base and unworthy it is that all should not bear the common burthens; that the tribute due from the rich should be exacted from the poor; that the weak should be made to bear the burthens of the strong. Not only in the cities," says this indignant eyewitness, in another place, "but even in smaller Municipia and *Vici*—wherever there are *Curiales* are there not so many tyrants? Where is the place to be found where the very hearts of the widows and orphans are not devoured by the *Principales* of the cities?" *Salvian's* indignant reproaches are confirmed by the cooler testimony of *Symmachus*, who remarks, in one of his letters, that there is nothing to prevent *Principales* and *Tabularii* from freeing one man altogether from his

legitimate charge, and imposing upon others a debt which they do not owe.

The tradespeople in the towns were protected, in some measure, from the oppression of the Decurions by the various immunities bestowed upon them, from time to time, by the Roman government, and also by their unions or guilds. (Cod. Theod., lib. xiii. T. 4.) These guilds were, in themselves, a source of strength. Each trade constituted a minor corporation, the names of many of which were enumerated in the Theodosian code upon the occasion of particular immunities from general burthens conferred upon those fraternities. Each of the trade colleges, or coporations, was empowered to regulate its own concerns by bye-laws; it possessed an Arca, or common chest; in its legal capacity of an university it was represented in legal proceedings by an actor, but its powers were limited to corporate matters, and it had no share in the government of the city, the only instance in which the commonalty interfered in the choice of public officers being in the election of their own Defensor, a functionary originally appointed for their protection. These minor corporations appear at an early period in Roman history; their privileges are affirmed and defined by the twelve tables, and Roman jurists have made them the frequent subject of their disquisitions. Each college, or guild, was an universitas, the definition of which is, a society of persons who, for legal purposes, have the right to be considered as a single individual. Not less than three persons could form a collegium, though it was held by Ulpian that an universitas once formed retained its character when reduced to a single individual, inasmuch as no member of the body can be divested of rights which had belonged to him as a member of the universitas. Not a little remarkable it is that, in these guilds, as in the Curia, a kind of hereditary right prevailed, the craft of a family being in the general rule hereditary, the son following the father in the workshop and the guild, and though a disciple or a son-in-law, whose families were of another craft, might, in particular emergencies, be received, it could only be on the condition that they and their descendants belonged henceforth to the guild which had adopted them. It is worthy of remark, that the corporate principle appears to be at the bottom of the whole fabric of Roman institutions; and it is no less singular, that the principle, as illustrated in the trade guilds, should be so long kept alive in the cities amid the adverse elements of the German conquest, and reappear, at a later time, with renewed vigour. In Germany, in the middle ages, the trade guilds became formidable armed bodies, whose valour was in the strength of the free cities. In England, the guilds appear to have been the immediate foundation of the old

municipal corporations, many of the exclusive privileges of which are scarcely yet forgotten ; and many of the customs derived from the guilds, with regard to the exercise of a craft, have passed into common law, though now disconnected with the immunities derived from the municipalities. As in the Roman disciple, with his obligations and privileges, we may detect the type of the modern apprentice ; so, in the hereditary obligation to follow a particular craft, may be found the principle of corporate freedom by birth or by servitude. The exclusive spirit of the ancient guilds and corporations has, in England, yielded to the more wholesome principles of freedom and competition ; but in Germany, which presents the paradox of a blind adherence to Roman principles, in law and in institutions, the Trade and Handworkers' Guilds, which other lands have modified or discarded, continue, though no longer armed bodies, to exercise their inherent, pernicious influence. The senates of the towns (Räthe) are now-a-days, indeed, as utterly divested of imperium and jurisdiction by the sovereign princes, as the ancient Curia were by the Roman emperors ; but the monopoly of the guilds of bakers, butchers, etc., has no control beyond the placable authority of a police-officer, whose judgment (for corrupt motives may be placed out of the question) must necessarily be formed upon the representations of the guilds themselves. The consequence is, that the price of bread is unequal in the same state, always enhanced above the price of corn ; nor does the case admit of redress from wholesome competition, for the *Zunft* (guild) has the power of prohibiting a country baker from selling a loaf within the limits of the *Stadt*. Again, with respect to the *Handwerk* Guilds, the same want of free competition has produced in the mechanical arts its inevitable consequence of inferior manual skill, and this in the country of Peter Vischer ! Thus, while the world is indebted to the thinkers and philosophers of Germany for a vast proportion of the scientific inventions, which have increased the comforts and the power of man, though her mechanics possess, at least, equal capacity, and a greater degree of natural taste and intellectual cultivation, her productions are far inferior in goodness, and often in cheapness, to those of France and England.

The protection, frail as it would too often prove, which the artizans of the sixth century might find in their unions against the illegal exactions of the *Decurius*, was altogether wanting to the cultivators of the land, on whom fell the accumulated weight of the rapacity of *Rectores*, *Principales*, and *Possessors*. The *Rector* might double the indiction for his private emolument ; the *Principales* and the *Tabularii* might write out an enormous assessment for each *Tributarius* ; but, as the *Tributum* was paid in the first instance by the *Possessor*, and

recovered by him of his Tributarius, there was an opportunity of subjecting the latter to a third pressure. Indeed, as the tributarius never saw the book of the Tabularius, it was in the power of the Possessor to exact from his dependant any sum he chose to demand, under the name of tribute. The general rapacity and oppression did not originate in the difficulties of the empire, for bands of Tributarii, under the name of Bagandæ, are found driven by misery into revolt and plunder so early as the time of Diocletian, when the treasury was prosperous, and the indictions moderate in amount. The disease began in the highest quarters. The corruptions of the Roman governors are notorious from the earliest period of Roman provincial history, and, long before the beginning of the empire, a pro-consulate was coveted as a means of recruiting fortunes wasted by the prodigalities of Roman life. But, in the course of the fourth century, the practice of subsidising the barbarians necessarily made a real increase of the amount of the indiction; and when, in the beginning of the fifth, a constant invasion of Germans took place, their was no bounds to their demands and their exactions. Money must be raised to satisfy them, and the indictions were swelled beyond all possibility of payment, and this at a time when the wasting of the provincial lands rendered it impossible for the Possessors and Tributarii to continue their ordinary dues. The frequent laws in the Theodosian code "*De indulgentia debitorum*," is a melancholy evidence of the state of all who derived their subsistence from the land. This state of misery naturally increased the activity of the Decurions, upon whom it was incumbent to make good the tribute which the Tributarius could no longer pay; it was to be expected under such circumstances, and from such morality, that every vestige of property would be seized; nor would the Curiales submit to suffer in their own persons so long as a rag remained in the possession of the Tributarius. Partial agitations of the oppressed class had probably never ceased since the first revolt in the time of Dioclesian; but, in the year 436, a general rising of Bagandæ occurred in Gaul, and the country, from Paris to the Mediteranean, was, for a time, in their hands. No particulars respecting the course of this servile war have come down to us, and indeed almost our whole knowledge of it is derived from the picture which the intrepid Presbyter of Marseilles has drawn of their oppression and desperation. "You call them," he says, "rebels, robbers, Bagandæ, whom you yourselves have made what they are. You compel them to crime, and accuse them of being criminal. Their misery is an offence, the name of the calamity to which you have driven them is their accusation. For why have these men become Bagandæ, if not by our oppression? Is it not by the

wickedness of men in power — by the extortions and confiscations of those who, under the pretence of the public weal, seek their own emolument, and convert the tributary indictions into estates for themselves? Robbed, tortured, often murdered, can we wonder that they should become barbarians, who are not permitted to continue Romans? Become what nature never marked them for, because they may not be what they have been, they are driven to defend life, after they have lost all which makes life worth having. What else could the wretches do who suffer a daily, an hourly exaction, who live under a continual and indefinite proscription, who fly from their own homes, that they may not be tortured upon their own hearths? They become vagabonds, in order to escape torment. What has been will still continue. Those who are not already Bagandæ will be driven to it. For so great is the violence and cruelty, that any change, however wretched, must be esteemed a benefit." (Salvian. *de Gub. Dei.*, lib. v.) The disorders of the Bagandæ might be partially suppressed by Ætius, and would naturally cease altogether with the imperial indictions, but the name was remembered in Gaul for many centuries after the Roman empire was no more.

If we consider the composition of Gallic society at the time of the first coming of the Romans, we can scarcely doubt that the order of landowners, or Possessores, as the Romans considered them, is to be sought chiefly in the Curial class. There would be, inevitably, at all periods, many persons of Curial birth, who were not Possessores; and time may, at a later date, have enabled many plebians to acquire landed property; but it is still improbable that there was any great body of landowners who were not of Curial blood. Salvian has shewn us, and his statement is confirmed by many laws of the Theodosian code, how the poorer portion of these Possessores were fleeced by the richer and more powerful of their own body; and it was a thing of the most ordinary occurrence for a Possessor to abandon his land because he could no longer make good the monstrous payments demanded of him, in which case, the body of Decurions must take the abandoned land upon themselves, and make good the dues accruing from it to the Imperial Fisc. The Possessores, or Possessors, were subject, in addition to direct burthens, to a number of burthensome services: as Angariæ and Parangaria, Veredi and Paraveredi, to the supply of waggons, horses, oxen, &c., for transport in war, and for the repairs of roads and bridges, to the conveyance and entertainment of imperial functionaries etc.; which at all periods must have been a source of grievous loss, and in unquiet times almost insupportable. So early as the year 354, an edict of Constantius attempts

to set some limit to the exactions; reciting, as the cause of the law, that numbers of persons had been entirely ruined by them. (Cod. Theod., lib. viii. T. 5, L. 7.) The prohibition shews the extent of the abuse.

The condition of the Curial body was far more deplorable than that of the mere Possessores, or even of the Tributarii, for their cares did not cease with their reduction to poverty, and this poverty at the same time the more insupportable from the habits of riot and luxury, which long use had made into a necessity of existence. All that could be yielded by their own property, all that could be wrung from the humbler class, had been wasted in the dissipations of the day, in constant excesses in meat and drink, in the continual whirl of sports and pastimes: *Ludebant, ebriabantur, enecabantur, lasciviebant in convivis, vetuli et honorati, ad vivendum prope jam imbecilles, ad vinum prævalidissimi.* (Salv. de Gub. Dei. 6, 123.) All the prodigalities of Roman life, incredible as they seem, had been emulated by the nobility of the provincial cities, and when the means failed the lust continued, and there was still the debt to be discharged. Whatever the amount of the demand of the provincial Rector, whatever the ability of the Decurions, torture would compel payment, and one man must make good the deficiencies of another. Perhaps there is not in existence a more awful monument of tyranny than the twelfth book of the Theodosian Code, in which the laws respecting Decurions are collected. Between the years 313 and 436 a series of not less than 192 laws, relative to the Curial stand, were enacted, some affirmative, some prohibitive, but all ruthless and oppressive almost beyond belief. So great was the misery of the Decurion class, that men thought only how they should escape from it; and the noble blood, which heretofore had been a source of pride, came to be considered as the greatest of all misfortunes. Plebians refused to be raised to the dangerous distinction; Jews and heretics, repulsed with abhorrence from every other society, found admittance into the Curia; deserters and clergymen of infamous life were sentenced to become Decurions; and even criminals were not unfrequently condemned to the Curial dignity as to a punishment. There was no escape for born Decurions but death or concealment. Some sought to escape by entering, perhaps under an assumed name, into military service; some would marry slaves, in the hope of degradation, and others would seek relief in slavery itself; but all, when discovered, were brought back, and compelled to re-enter the detested Curia. Freemen who concealed Decurions were condemned to the Curia in their stead; and slaves who aided in their escape were whipped to death by law. The state must have been fearful indeed which prompted such

desperate means of escape and retention. The admissions of the Theodosian Code are worth volumes of history.

Savigny attributes, with justice, the oppression of the Decurions less to the law itself, than to the despotic power of those who presided over its administration. "No part of the republican regime," he says, "was more sedulously preserved under the emperors than the tyranny and injustice of the provincial governors." (*Geschicht. Röm. Rechtes.*, ii. 8.) This only proves that the imperial officers were beyond the reach of justice, and shews, in a still stronger light, the hopeless state of the provincials. How little, even in *temporibus severioribus*, could be hoped from the protection of law may be instanced from the case of M. Brutus and the city of Salamis in Cyprus. In the year of the city, 698, (B.C. 56) the Curia of Salamis sent to Rome to borrow money, or, in modern phrase, to contract a loan, and the noblest Roman of them all agreed to make the advance at an interest of 48 per cent., but that rate being illegal, he lent the money through the hands of his creatures, M. Scaptius and P. Martinus. What ensued in the following four years we know not, but it may be presumed the city was backward in its payments, for in the year 702 we find the same Scaptius had obtained, apparently with no other object than to get the Curia into his power, a military command in Cyprus, and that, in order to force payment of the debt and interest, he kept the Decurions so long shut up in their Curia that five of them died of starvation. In the succeeding year Cicero became pro-consul of Cilicia and Cyprus, and Scaptius was removed from his command, but sustained no punishment. The upshot of the business is characteristic. The city proposed to pay the debt, with interest at the legal rate of twelve per cent., and offered to deposit the money in a temple; but Cicero, afraid of giving umbrage to Brutus, avoided a decision, by procrastinating the suit until the time of his pro-consulship had expired. These are melancholy revelations, and one almost regrets the truth, which sinks the brightest idol of Roman virtue beneath the level of ordinary integrity. If Marcus Brutus was such a man as is here described, if he, who would rather "coin his heart, than wring from the hard hands of peasants their vile trash," was an usurer at forty-eight per cent.; if, moreover, his influence procured for his client, Scaptius, the command at Salamis, from the corrupt motive of private interest, what must be thought of the general state of Roman morals and society? And Cicero, too, who shuffled on the seat of justice!

The wretchedness of the provincials, of all orders, under the Roman government, is sufficient in itself to account for the indifference with which they looked upon the invasion of the

barbarians, but there was also, among the Curial inhabitants of the cities, that species of mental death which long habits of debauchery never fail to produce, and which drowns present cares in new intoxication. Salvian was confounded by the eagerness with which the inhabitants, though in the continual danger of death or captivity, pursued their customary pleasures. "It seemed," he says, "as if the whole Roman population had eaten of some Sardonian herb (*Salv. de Gub. Dei.*, vii. 131); we lust after pastimes amidst the horrors of captivity, and laugh when the shadow of death is upon us." Salvian's picture seems to relate more particularly to the Treves territory and the cities of the lower Rhine, which, in his day, lived in continual dread and danger of the maraudings of the Franks; for he speaks, as an eyewitness, of Mainz as being a mass of ruins; of Cologne, as being in the constant occupation of the barbarians; and of Treves as being four times sacked by the Franks. "I saw with eyes," he writes, "the proud nobles of Treves sunk in the lowest depths of poverty and wretchedness, but less degraded in condition than in mind. Their city is a ruin; unburied corpses pollute the streets; living wretches find a sole resting-place upon the graves of their fathers; everywhere is the fear of captivity, everywhere death, yet the miserable remnant asks for the Circinsian games! Their city is black with brand, but they are light-hearted; every object around is sad, but they are merry. And can I wonder, Treves—no, I cannot wonder—that these calamities have fallen upon thee? Three visitations have been insufficient to reclaim thee; by the fourth hast thou righteously perished!" (*Salv. de Gub. Dei.*, vi. 121.)

Salvian's book must be regarded as the rebuke of a preacher who, anxious to produce a deep impression, paints in the darkest colours. It is, therefore, vague in its nature, and as it is natural for religious men, living in the midst of a depraved population, to view the world in the gloomiest light, it is doubtless, in many respects, though unintentionally, overcharged and one-sided. Gregory of Tours presents a similar example of the same melancholy feeling. Salvian's testimony, as to the moral state of the Romans of his day, and of the universal misery of the Roman population, is of the highest value; but it is only when he speaks of the concerns of his native province that he makes the least approach to historical distinctness, and there his pictures have more than the usual gloom. Were we to derive our impressions of the condition of the Rhenish provinces from Salvian, we should conclude that the whole country was a desert, and that it was impossible for the cities ever again to lift up their heads; but all the great cities, which are described as ruined by the Franks, are found in a short space afterwards flourish-

ing, in a second summer, under the Frank government. And it is consonant with the nature of things that such should be the case. When the Germans came to consider the land as their own, the cities, as their own property, would partake in the general protection. They were the seats of the manufacture of many articles, which they highly coveted, but had not the skill to make themselves; they were the residence of the clergy, and therefore of such learning in theology, law, and literature as the times possessed; above all, the Frank was not slow to find out that a tribute was better than destruction, and he spared them out of regard to his own interest, though his own predilections led him ever to the open land. Accordingly we find, on the revival of history, the Curiae of the cities again flourishing, the citizens left to their own municipal government, and without the intolerable hardship imposed upon them by Roman tyranny; the payments required of them were comparatively moderate, and the chief interference with them appears to have been the placing the command of the city in the hands of a German Graf, and the maintenance of a German garrison, for whose accommodation a certain number of houses were taken possession of, which are known in the law as *Domus fiscales*. Even the captivity during the Frank invasion appears, from Salvian's own admission, to have been rather a scriptural figure than a reality, for, in describing Cologne as filled with enemies, he speaks of a relative of his own, a widow of no mean quality, who was reduced by the Frank conquest to such poverty that she was compelled to earn her daily bread by day labour for the wives of the barbarians. There was not, therefore, a general captivity, for the labour of this lady was voluntary: "she was not enslaved," says Salvian, "by violence, but by want." (Salv. Epist., i.) It is, however, impossible to lay down any general rule as to the fate of the cities, and the degree of franchise allowed to them under the new regime, for different nations and different modes of conquest naturally brought with them different measures of ruthlessness or sparing. In southern Gaul, for instance, the cities were spared many of the sufferings which afflicted the north. The object of the Wisigoths being settlement, it was merely a change of government, and a change, moreover, greatly to the advantage of the inhabitants, whose franchises were preserved, without the oppression and rapacity of the Roman officers. Something of the same friendly relation to the Provincials may be inferred, if we may trust Orosius, of the Burgundian settlement, while, in many of the cities of the Danube and the upper Rhine, the citizens were degraded to the servile state, the Curial class being bound to certain services, and the Handworkers reduced to the condition of Coloni. It may be observed, moreover;

that in southern and central Gaul the *Lingua rustica Romana* was never superseded by the Gothic or Frank idiom; but that of the cities occupied by the Alemanni, some, as Aventicum, Augst, Vindonissa, have never revived; Argentoratum has changed its position, and in those which have again raised their heads—Worms, Speyer, Strasburg, Basel, Bregenz, Regensburg, Augsburg, Ulm—the language of Rome has never been restored, a sufficient proof in itself that the majority of Roman citizens had been swept away.

The same remark, as to language, applies to the occupation of the land. Wherever the Alemanni settled, as well as in the early conquests of the Franks, German became, and continues to be, the language of the people; the Goths and Burgundians gradually lost the language of their fathers, as did the Franks of central Gaul after the conquest of Chlodwig. The conclusion is unavoidable, that in all those districts the conquerors were trifling in number in comparison with the old inhabitants. In Switzerland, after the lapse of so many centuries, the distinction between the Alemanni and Burgundian population is still to be found in the language. It is not intermixed, but the line of separation is sharp and precise, so much so, indeed, that in the town of Freiburg, which lies upon the line of demarcation, Romansch is spoken in one street, and German in another.

The consequences of national emigration, and of partial and independent maraudings with respect to the occupation of land, have been already adverted to. In the former case, the occupation was often a settlement, regulated by treaty, between the barbarians and the Roman government; in the latter, it had no laws, but accident and success. When entire nations emigrated, the necessities of life rendered a speedy settlement essential; they must be supported by money, or a place of location must be found for them. It was in this manner that the Burgundians were located in Helvetia, Savoy, and Dauphiné, the Alans in Provence, the Wisigoths in southern Gaul, the Ostrogoths and Lombards in Italy, and the same necessity made an immediate possession of the whole or part of the soil inevitable, for an immense multitude could not be long maintained by plunder, a settled order was essential to its existence. The Wisigoths took at once to themselves two-thirds of the land, with the Coloni upon it, and the greater part of the forest and woodland. (*Lex Wisigoth.*, x. 1, 8.) The public lands and the *Villa fiscales* came naturally to the Gothic Fisc. We are not informed of the particular mode of the partition; but, doubtless, the barbarians would not choose the less fertile lands, and the proportion they took, when their numbers, compared with those of the Romans, is considered, seems immoderate. It does not appear that the Pos-

sessors were reduced to personal bondage, but as two-thirds of their property was taken away, many must have been brought to poverty, and the impoverishment of a numerous class naturally laid a leaven of discontent, which shewed itself afterwards in the contests of the Wisigoths and the Franks. The Ostrogoths appear to have contented themselves with one-third of the private land, but they doubtless found much public land and many vacant estates. (Cassiod. Var., ii. 16.) The Burgundians made a more minute and artistic partition. Each German Possessor must give up to his Burgundian *guest* two-thirds of his land (Lex Burg., liv. 1, 57, 67), one-third of his serfs, and house, garden, and wald must be divided equally between them. The waste land, of which there was much in Helvetia, came to the public Fisc. It was no pleasant matter for a Roman to have a huge Burgundian, with his family, quartered upon him, and occupy the best part of his house, and take the larger share of his property; and it was the occasion, notwithstanding Orosius, of continual strifes, which it was the object of Gundebald's legislation to reconcile and keep down; but the involuntary hospitality had, at least, the merit of being impartial; there was no class of men reduced to absolute poverty, and the host and his guest settled down, in a few generations, quietly together. Perhaps the Possessor was not really poorer than he had been made before by the legalised plundering of the Roman government. It was not always, however, that a national settlement on the Roman soil was effected on terms so easy to the inhabitants. The Alans, settled by Ætius in Provence, drove out the old Possessores in a body without scruple or remorse. (Prosper., ad ann. 442.) In Africa, also, which conquest gave to the Vandals, Genserich, in addition to possessing himself of the *Villæ fiscales*, picked out the richest of the Roman nobles, and gave them as serfs, together with their estates and families, to his sons. Of the other lands, the best and most fertile he divided among his Vandals, the *ci-divant* proprietors being too happy in being permitted to march off with empty pockets wherever they chose, far less miserable than those whose property had been spared; for the *Sortes Vandalorum* were in their nature free from imposts, but the remaining land, which was left in the hands of the old proprietors, inferior as it was in quality, was so loaded with taxes and burthens, that it was impossible for the owners, after giving their labour, to draw a miserable subsistence from their own property. (Procop., de Bell. Vand., i. 5.)

A remarkable contrast to this wholesale Vandal confiscation is presented by the Frank conquest of Central Gaul, where the rights of the proprietors of land suffered least, and, indeed, scarcely underwent any change from barbarian occupation. This broad and fertile

district had been overrun by Vandals, Sueves, and Huns, who doubtless left bloody traces of their passage; but no permanent barbarian settlement had been made upon it until the latter end of the fifth century. The manner of Frank occupation has been already described. The Frank nation being already settled in Belgica and Germany, it was only the adventurers, in number comparatively small, who were to be provided for, and the public and waste lands were more than enough to satisfy the Fisc and the confederates. There was no forcible seizure of the soil, no confiscation of private property; nor was there the same urgent necessity for it as in the national out-wanderings. The condition of the Roman Possessores was, consequently, greatly improved. They obtained security; they retained possession of their estates; a fixed land-tax succeeded to unlimited extortion, the moderate amount of which rendered the Curial responsibilities, which appear to have been never abrogated, unimportant. The Tributarii, also, were bettered by the conquest. Their tribute was registered in the Frank Cadastre, and no longer assessed by Principales and Tabellarii at their pleasure; and though they were still oppressed with many of the old burthens, as compulsive labour so many days a week, carriage service on many occasions, and other arbitrary exactions, which, however, are to be considered in the nature of rent, much of the old illegal oppression naturally ceased with the grinding of an impoverished government.

Though the Roman population was probably nowhere in easier circumstances, after the barbarian conquest, than under the Frank government, it was by no means held by the Franks to be on a level with themselves. The different estimation in which each folk was held appears in their personal condition, in taxation, and in Wehrgeld. The Franks formed a commonwealth of themselves, totally independent of the king; the Romans were the king's servants. The Franks were not subject to be called out to any war which had not been decided by themselves in their March-field; the Romans might be summoned to take arms at any time by the king's arbitrary authority. (Greg. Tur., iv. 30.) Thus King Sigbert, of Austrasia, contemplating the capture of the city of Arles, commanded the Romans of Auvergne to be called to the army. The Frank, again, paid no tax; every Roman, on the contrary, was registered in the Frank Cadastre according to his property; and, though little actual change took place in the rating, the power of making a change was vested in the king, apparently as a consequence of his succession to the authority of the Roman Casars. So, in the time of Chilperich, a new Cadastre was made out by the king's order, by which the territorial taxes were so much increased that multitudes of Possessores are said by Gregory (v. 29) to

have abandoned their property and fled into foreign lands. The new Cadastre was given up on the entreaties of Fredegunda; but the fact is a proof of the uncontested power of the king over the persons and property of his Roman subjects. With respect to the legal estimation by Wehrgeld, it appears, as a general rule, that the Roman was rated at half the value of the Frank. The Frank laws distribute the Romans into three classes, *Convivæ Regis*, *Possessores*, and *Tributarii*, exclusively of serfs, who followed the law of their masters; and of the clergy, who were governed by a law of their own. A *Conviva Regis* was a Roman in the king's service, either as a part of his military *Geleit*, or employed in the chancery, or under the *Grafs* in the civil departments of government. He enjoyed great consideration, a Wehrgeld of 300 solidi being set upon his life, half that of an *Antrustion*, who was a Frank standing in the same relation to the king. The *Possessor* was no other than the old land proprietor; he was estimated at half the value of a free Frank, 100 solidi being fixed upon his head, and double that sum upon that of the latter; but if his legal value be compared with other compensations settled by the law, his estimation will appear sometimes lower, and sometimes in a whimsical light. A *Possessor*, for instance, was ten shillings more valuable than the king's bull; but then, again, he was only of the same worth as the hand, foot, or testicle of a Frank; he was only six times more valuable than a hawk; six Frank teeth were of the same value as the whole body of a *Possessor*; and it cost as much to duck a Frank in a fish-pond as to take the life of a free Roman. The law does not state whether any penalty accrued from wrongs or mutilations not affecting life; but it may be presumed that the same rules would hold good with both peoples; and as the life of a Roman was estimated at half that of a Frank, so every corporal injury would be assessed in the same proportion. (*Lex Sal.*, xlv. 7.) The *Tributarius*, also, as a payer of taxes, was honourably estimated. For, while the serf was reckoned only of the same value as three sheep, or a cow and calf, or an ox, or a two-year-old bull, or a little boat, the *Tributarius* was esteemed equal to a *Leit-hound*, to a hive of bees, to a *Hengst*, to a draught-horse, to the iron-work of a mill, to a fuder of grass, or to so many grapes as required a cart to carry them. These flattering calculations, however, lose their bloom when the comparison is made between the *Tributarius* and the free Frank. Three fingers of a Frank were rated at the same price as the life of a *Tributarius*; and a man might slay a *Tributarius* for the same sum which it would cost him to cut off a Frank girl's hair. These penalties shew, in a striking light, the low estimation with which the Romans were regarded by the Germans;

but they were probably sufficient to ensure personal safety, except during the ravages of war.

A circumstance little to be expected as a consequence of German conquest is the increased consideration with which the Curiae of the Gallic cities re-appear under the government of the Franks. In the last century of the western empire the Curiae had sunk into the lowest degree of degradation, having lost all functions except the miserable one of being the instrument of imperial extortion; but in the days of Gregory of Tours and Marculfus they had again reared up their heads, appearing with honour as a kind of civil court, under the presidency of the Defensor, and enjoying a jurisdiction not unlike the Roman *Jurisdictio voluntaria*. It is an ingenious conjecture of Savigny's that this new Curial jurisdiction may have crept in during the last years of the empire, as a consequence of the altered relations of society in law and legal custom. In Italy the *ordo judiciorum privatorum* had been long abolished. The emperors had found it convenient to appoint a council of lawyers (*Consistorium Auditorium*), to which refer appeals reserved for their special hearing; and in the provinces the example was speedily followed by the Rectores, who availed themselves, in the same manner, of the assistance of a board of Assessors, of which they were naturally the presidents. The old order of legal proceedings was necessarily abandoned; there could be no longer a reference by the magistrate to a Judex; but, from that period, suits were heard by the magistrate and a board of Assessors, in the same manner as is done in Germany in the present day, except that in the older time the judgment was the judgment of the magistrate alone. As the Defensor would also have his Assessors, he would naturally look for them in the Curial body; hence, perhaps, the origin of Curial legal jurisdiction.

The Defensor, though the name is found prior to the time of Constantine, appears first as a permanent civic officer about the middle of the fourth century. His title was *Defensor Civitatis, plebis, loci*; his duty, to defend his community, or individuals of it, from the arbitrary proceedings of the imperial lieutenant. He was elected by the whole community, not by the Ordo merely, at first for five years, afterwards for two; and no Decurion might fill the office of Defensor. Besides the indefinite charge implied by his name, he had jurisdiction in civil matters, involving the value of fifty solidi, which was enlarged to three hundred solidi by Justinian, who assigned him an Exceptor and two Officiales. The Defensor could not inflict a penalty, but could nominate a Tutor; and all appeals from his decisions were carried before the Rector. On the fall of the empire, the Rectores, and other administrators of law,

would be swept away with those from whom they derived their commissions; and the Defensores, except in cities possessing a magistrate, would become the only magistrates; and, as law in any civilized state is indispensable, in this way, probably, the general administration of civil law fell into their hands. If the Curia was made his court, and the Decurions his Assessors, as, in fact, we find them in the time of Marculfus, the legal necessity explains the cause of the superseding of the Principalis, and the reason of the accession of the Defensor to the presidency of the Curia.

The jurisdiction of the Defensor and Curia in Marculfus's day appears to have been of the nature termed by the Romans *voluntaria*; it must also have extended to strifes among the Romans, and, consequently, have embraced the *contensiosa*; but criminal justice, though Justinian allowed the Defensor a limited criminal jurisdiction, was retained as an appurtenance of sovereignty by the Franks in their own hands, as clearly appears from the Salic law, in which all kinds of delicts committed by a Roman are treated of. The administration of criminal law was, as well as the military command and care of the Revenue, committed to the Graf. (Greg. Tur., v. 40.) The civil jurisdiction of the Defensor and Curia in the Frank period was exercised according to the Roman law in use at the time; the voluntary jurisdiction consisted chiefly in legalising the public acts, which, in the early Roman period, required to be done in the presence of a magistrate, the chief of which were testaments and donations, and their registration, as well as that of sales, exchange, and delivery of real property, in the acts of the Curia. Already, in the time of the emperors, the old form of Mancipation, required by the Lex Cincia, began to be superseded by the system of public registration; in Constantine's day all donations were required to be registered; and, in the same manner, a new form of judicial testaments, that is, testaments made in the public court, superseded, by degrees, the ancient forms by Mancipation or by the seven witnesses of the Prætor's Edict; the want of the latter being presumed to be supplied by the greater number of persons composing the Curia, before whom the testament was read, while the deficiency of the former was compensated, according to Savigny's expression, by the dignity of the Magistrate and Curia. (Savig. Röm. Recht., ii. § 28.) A Formula in Marculfus shews minutely the manner in which a testament of this kind was registered in the acts of the Curia. The prosecutor (attorney) of the testator, the latter too feeble to appear in person, addressing the court by the title of "Excellent Defensor and laudable Curiales," requests the registers may be opened for the insertion of certain deeds held in his hand. The Defensor assents, and desires him to proceed with

his statement. The prosecutor then sets forth that such an one had commissioned him, by Mandatum, to register a certain donation by testament, according to law, in the acts of the Curia. The Defensor first requires the Mandatum (the authority under which the attorney acted) to be read; and, that being found to be in legal form, he authorises the testament to be publicly read before the Curia, and registered in its acts. This being done, the Registration is signed by the Defensor and Curiales present, and a certificate of the same given to the prosecutor. (Marculf., ii. 37, 38.) Testaments under the seven seals were required to be opened in the Curia within four days after the death of the testator, when they were read, re-sealed, placed among the archives, and the whole proceeding registered in the acts. The distinction was that testaments of the latter description were not, and could not be, on account of the breaking of the seals, registered until after death; while the ordinary judiciary testaments were registered in making. Testaments of both kinds, and donations, were of necessity brought before the Curia, in order to legalise them; other matters, as sales, exchanges, payments, etc., were done in the Curia for their complete security.

In none of the barbarian kingdoms which arose in western Europe out of the ruins of the Roman empire, was there any abrogation of Roman law. Not a single German nation, not even the Wisigoths, who had made some advance in letters, possessed, at the time of their settlement, a code of written law, and it was a manifest impossibility to think of governing subjects more numerous than themselves, who had long been accustomed to the technical refinements of the jurists, by their own unwritten customs, which, moreover, were totally inapplicable to foreign peoples, and could neither, according to German ideas, be imparted to, or enjoyed by strangers. With the Germans law was the consequence of birth; each nation, with common principles, had institutions of its own, the right to which was personal: so the Salians and Ripuarian Franks must have different laws, nor could the Salian communicate the enjoyment of his Salic law to any who were not Salians by blood. Hence it was that Roman law continued to maintain its authority. The Roman law, as it stood at the fall of the empire, A.D. 476, consisted of the code of the second Theodosius, promulgated in the year 438, together with the rescripts composing what are called the Gregorian and Hermogenian Codes, which appear, as far as may be judged from their fragments, to begin with Septimius Severus, and end with Diocletian and Maximian. The Theodosian Code contains the imperial edicts and constitutions from Constantine to Theodosius II. They are arranged in sixteen separate books,

and, under particular titles according to their subject, and each law is placed under its proper title according to chronological order. Beyond this arrangement the work of Theodosius has little claim to the title of code, nor would it have been possible for a judge to administer law from its authority alone; it is therefore justly stated by Savigny that the writings of the jurists constituted the groundwork of Roman law, there alone principles are to be sought, the rest being mere particular and isolated complements, having no sense by themselves. By a constitution of Valentinian III. the force of law was given to all the works of the five jurists, Papinian, Paulus, Gaius, Ulpian and Modestinus, with the exception of the notes of Ulpian and Paulus upon Papinian. Other jurists, as Scævola, Sabinus, Julianus and Marcellus, enjoyed a similar distinction only when their opinions were incorporated in the works of the five. In case of a diversity of opinion, numbers decided; when numbers were equal Papinian, and when Papinian was silent the decision was left to the discretion of the judge. It is singular, as Savigny remarks (*Röm. Recht.*, i. 3), that, with the exception of the Pandects, no subsequent collection, neither the breviary, the Papian, the *Collatio*, nor the *Consultatio*, refer to any other jurists than the five quoted by Valentinian.

The convenience of a law-book which should comprise the scattered sources of Roman law, as well as the necessity of adapting it, by abbreviation and commentary to the humble wants and altered habits of the times, seems to have given rise to the compilation which, in the 10th century, strangely acquired the name of "the Breviary," or "Alarich's Breviary." All we know of the history of this work is derived from the *Commonitorium* prefixed to it. Alarich II., king of the Visigoths, whose reign commenced in 484, and ended in 507, commissioned a body of Roman jurists to form, from the existing sources of Roman law, a law-book for the use of the Roman population, who terminated their labours at Aire in Gascony, in the 22nd year of the king's reign, A.D. 506. The work having been submitted to an assembly of Roman bishops and nobles, was approved by them, and sanctioned by the king, and a copy, signed by Anianus, the king's referendary, was sent to every count, together with a *commonitorium*, by which its exclusive use among Roman subjects was enjoined under severe penalties. The collection was generally known by the name *Lex Romana*, sometimes by that of *Lex Theodosii*, from the Theodosian Code forming an important part of its contents; it contained the sixteen books of the Theodosian Code, the *Novellæ* of Theodosius II., Valentinian III., Marcian, Majorian, and Severus; these are distinguished as *Leges*—laws; then follow the *Institutiones* of Gaius,

the *Receptæ Sententiæ* of Paulus, five books; the Gregorian Code, thirteen titles; the Hermogenean Code, two titles; and a fragment out of the first book of Papinian's *Responsa*; all these are recognised as Jus-law, the two codes being, as the work of unauthorised individuals, included under that denomination. The whole is accompanied by a commentary, with the exception of the institutions of Gaius, which is treated on a peculiar plan, the jurist who had the care of it, perhaps more ambitious than his colleagues, having recast his author and worked up his own matter with the text, as appears from the genuine text discovered in the Verona MS., by Niebuhr, in 1816, before which time the Caius of the Breviary was esteemed the only copy of the Roman Jurist. To the Breviary we also owe the five books of Paulus, the five first books, and the beginning of the sixth of the Theodosian Code. It is remarkable that of the celebrated jurists named by Valentinian, who enjoyed such credit in the preceding ages, the Breviary contains only an unimportant fragment of Papinian; and Savigny even doubts whether this latter author would have been understood in the age of intellectual darkness in which the Breviary was composed. The Breviary of Alarich enjoyed such an extensive circulation, not only in the Wisigoth dominions, but in all parts of Gaul, that in time it altogether superseded the genuine Theodosian Code, which fell into such disuse that it is only from the Breviary that the first five books are known. In the Frank dominions it appears to have attained an exclusive authority, all the references to Roman law in the *Formulæ* of Marculfus being directed to the Breviary, not to the genuine Theodosian Code.

The text of the Breviary is often mutilated, and recent discoveries have shewn that many constitutions in the first books of the Theodosian Code have been omitted, but its compilers have preserved each word under its proper title, distinct from the others, reserving their remarks for the commentary. A very different system was followed by the composers of the two other instances of Barbaro-Romanic legislation, the Edict of Theodorich the Ostrogoth, and the Papian of the Burgundians. The former was promulgated by Theodorich, in the year 500, on the occasion of a visit to Rome. It consists of 154 titles, the whole abbreviated, without references, from the Roman law, though the Code of Theodosius and the *Novellæ* may be detected among its sources. The titles follow each other, hap-hazard, without the smallest arrangement as to sense or subject, the greater portion relating to criminal justice, civil law being either omitted or touched so summarily as to have little value in practice. It was the aim of Theodorich's government to mould Goths and Romans into one

people, the sole distinction he made being to confine the use of arms to the Goths; the edict was consequently intended to apply equally to both peoples, as is evident, moreover, from the testimony of Cassiodorius; but in all cases to which its provisions did not extend, the Roman law and the unwritten customs of the Goths preserved their original authority with their respective peoples. From the want of scientific arrangement, and the complete disfigurement of the original texts from which it is drawn, the work of the most cultivated of German conquerors has been visited with unmeasured censure and contempt by modern jurists, but, as it left the ancient general sources of law untouched, providing only for particular contingencies, it probably accomplished all which Theodorich intended, and it often possesses, moreover, an untechnical brevity and vigour of expression which leave no doubt as to his meaning.

Some twenty years after the publication of the Ostrogothic Edict appeared a third barbarian compilation of Roman law, the Burgundian Lex Romana, which, from a mistake of Cujacius, has enjoyed, unjustly, the title of *Papiani liber Responsorum*, or *Papiani Responsum*. Such a compilation, for the use of his Roman subjects, was promised, in the year 517, by King Sigmund, in the second preface to the Burgundian law, and was probably promulgated shortly afterwards. The name of its compiler is unknown, (it is unnecessary to say that it has no claim to that of Papinianus, in which manner the authors of the Breviary write Papinianus). In its compilation the Wisigoth Breviary appears to have been for the most part used, though sometimes recourse has been had to the ancient sources; but it possesses this peculiarity, that the compiler was not permitted to arrange his matter in any technical order, but was directed to place his subjects, as far as they agreed, according to the order of the titles in the already promulgated Burgundian law. He who desired, for example, to ascertain Roman and Burgundian law upon homicides or manumissions, would find those subjects treated of in titles 2 and 3, both in the Responsum and the Gundobada. There would be, of course, subjects in each code which had no counterpart in the other, for there are 89 titles in the Burgundian and only 47 in the Roman, consequently much in the Burgundian has no corresponding matter in Papian, and there are some articles of the latter which have nothing answerable in the former; but the titles follow each other in the same order as far as title 36 of the Responsum, and the eleven succeeding titles which are purely Roman, are placed altogether at the end. The rubrics of each code are often verbally the same, always in convertible terms, even when those terms are somewhat grotesque. This bar-

barian treatment of Roman science might be highly unpalatable to the scientific compiler, who, indeed, excuses himself by adding to a particular passage, (Tit. 2.) "*Hoc ex præscripto Domini Regis convenit observari*;" but it affords a presumption that the two codes were contemplated originally by Gundebald in connection with each other, and that the Papian followed the *Lex Burgundiorum* at no great interval of time.

Whatever practical utility may have accrued from its literal sequence of the Burgundian law, it is obvious that the Papian had little chance of favour in the eyes of Roman lawyers. For a time the regal sanction and authority maintained its exclusive use in Burgundy; but, on the fall of the royal house, it yielded to the superior claims of the Breviary, which acquired an exclusive circulation in the Burgundian kingdom, as well as in the other parts of Gaul. The fate of the Breviary itself in the Wisigoth kingdom is singular. The Wisigoth kings appear, like Theodorich, to have entertained the project of amalgamating Goths and Romans into a single people; and, with this view, to have contemplated a general code of territorial law, which should supersede the personal. Already marriages of the two races, forbidden by the Breviary, were authorised by the Wisigoth law. (*Lex Wisig.*, ii. 1, 9.) The Breviary, however, preserved its legal authority until the middle of the seventh century, when, the general Wisigoth law being recast into its present form, and so adapted for universal use, all foreign law, particularly Roman, was proscribed by a law of Chindaswind. The Breviary was, consequently, forbidden, except as a private study; and its use as a public law book was afterwards formally prohibited by a law of Rueswind, under a penalty of thirty *solidi*. (*Lex Wisig.*, ii. 1, 10.)

The application of Roman law in all cases of dispute between Romans may be inferred from the use of these law-books; it was also sanctioned in many of the German states, by the special authority of their rulers. Gundebald, in the prologue to his Burgundian law, declares, *Inter Romanos—Romanis legibus præcipimus judicari*. There is no special provision on the subject in the Salic law, but the fact may be inferred from many passages; and the Constitution of Chlotar, A.D. 560, has, *Inter Romanos negotia caussarum Romanis legibus præcipimus terminari*. The Riparian law enacts, *Quod si aliquid criminis admiserit, secundum legem Romanam judicetur*; this relates to a *Libertus* made after the Roman form. A general sanction is given by the *Commonitorium* of the Wisigoth Breviary; and, in the Lombard kingdom, a Capitulary of Pippin enacts, *Sicut consuetudo nostra est, ut Longobardus aut Romanus si e venerit quod caussam inter se habeat, ut Romani successiones juxta illorum*

legem habeant. (Georgisch., 388, 467, 175, 1188.) As law was personal, the rules which regulated the right to Roman law were the following: 1. Every one born of Roman parents was Roman. 2. In mixed marriages the child was esteemed to be of the nation of its father, the wife of that of her husband; so that a barbarian woman married to a Roman, lost her national privileges. (*Leges Liutpand.*, vi. 74; *Murat. Ant.*, iv. 588.) 3. It appears that criminal cases were adjudicated according to the law of the complainant, civil suits according to that of the defendant. 4. A freed serf was barbarian or Roman, according as he had been manumitted in agreement to Roman or barbarian forms. 5. All ecclesiastics were esteemed Roman; a free barbarian embracing the clerical profession, losing his caste, and becoming a member of the Romish community; and all suits relating to the church or its property were under the jurisdiction of Roman law.

The Church, in the fifth century, had become an important element in the Roman world, and to its influence was probably owing much of the consideration which Roman law, Roman institutions, and Roman habits obtained in the eyes of the barbarians. The Edict of Constantine, A.D. 321, by empowering the Church to acquire property, as a corporation, by donation, purchase, or inheritance, laid the foundation of a kind of separate commonwealth, of which more ancient times supply no example; which, while it professed a general adherence to Roman law, mingled it with principles drawn from sources peculiar to itself, and formed, by degrees, a code of its own for the government of its ministers. Constantine himself had set an example of munificence in his endowment of the Church, which was followed by the rich, of all conditions, in proportion to their ability or zeal, though the donations in the Roman period, notwithstanding the doctrine that bounty to the Church was a meritorious work obtained currency at an early period, were trifling in comparison with the profusion heaped upon it at a later age by the blind and undistinguishing zeal of the barbarians. Lands conferred upon the Church, in the first period, were not freed from land-tax; but no clerk was liable to the capitation. Generally a man of Curial birth, he was yet released from the obligations of the Curia, and the vexations attending them; for the moment a man received episcopal ordination, that moment was he liberated from the temporal authority and duties.

In the first ages of the Frank conquest, the ministers of the Church were exclusively Roman. As the barbarians, glad to avail themselves of Roman cultivation in order to carry on the ordinary business of life, placed the Cadastre, the revenue, and every part of public employment which required intellectual refinement, in the

hands of Roman clerks or laics, so Roman bishops appear prominent in state affairs, particularly in embassies and negotiations. Sidonius Apollinaris, Avitus, Agobardus, Gregory of Tours, Venantius Fortunatus, in fact, all the celebrated names which have come down to us as belonging to that period, were of Roman birth. Romans were employed in negotiations and public business by the Franks, even while they remained in a state of paganism. The Aurelian who was sent by Chlodwig to demand the hand of Chlotilde, was a Roman, though it was some years before the Frank king's baptism; and the grant of lands by the Pagan kings to Remigius, and the anecdote of the Soissons Vase, are unmistakable proofs of the estimation in which he held the ministers of the Church. If, however, the Romish clergy were, in the first century of Frank Herrschaft, without exception Roman, the monasteries were open to the illiterate Franks. (The monk of that period, though a member of the great ecclesiastical commonwealth, and living under Roman law, was not a priest, and required not, of necessity, the smallest intellectual cultivation.) Every act of persuasion and admonition was used by the Church to induce barbarians to adopt the monastic cowl, and a passage in the Salic law has led some historians to infer that Frank children were not unfrequently trepanned by the clergy, in order to their education in the monastery. The inference, as to this circumstance, is not unquestionable; nor were such means necessary to the peopling the monasteries with barbarian youth. When once the current of barbarian zeal set in that direction, parents, in crowds, devoted their children to the service of the altar, with which was combined the blessing of instruction in the rudiments of letters. In this manner, in the course of time, did such cultivation as the age supplied make its way among monks of barbarian race. Some became practitioners of medicine; some proficient in the art of copying manuscripts; some devoted their time to the composition of the annals of their monastery; some, like Marculfus, composed forms for facilitating the simple legal business of their neighbourhood, according to Roman or barbarian practice. Marculfus himself was a Frank, or some kindred race. These accomplished persons must have been brought up from early youth in their monasteries; but a ruder class found also admission within their walls. Sometimes the rugged Degen, urged by remorse, voluntarily exchanged land and glory for tranquillity and hope; sometimes the turbulent warrior, shorn and thrust into a cell, was compelled, by superior power, to a hateful inactivity; or the feeble Sprossling of the royal house thankfully purchased life at the cost of his long hair. So, when Chlotar and Childebert, the sons of Chlodwig, butchered the two little children of their dead

brother, Chlodomar, in order to divide their inheritance, there was still a third child, Chlodowald, remaining, who was rescued from the fate of his brethren, and concealed for years by true and valiant Franks, who looked up to him as the heir of his father's kingdom. But Chlodowald, when he came to years of reason, voluntarily shore off his royal locks, and sought peace in the silence of the cloister.

From the high degree of reverence which the church and her ministers enjoyed under the barbarian governments, we are not surprised to find they were highly protected by most of the barbarian laws. The old Salic law, indeed, makes no distinction in favour of the persons of the clergy, though it lays a penalty of 200 solidi on the burning of a church; but the Ripuarian law makes a deacon five times, a priest six times, a bishop nine times as valuable as a free Roman, and the amended Salic law of Charlemagne introduces the same Wehrgelds as to priests and bishops. The Alemannic law places 600 solidi on the life of a priest, rates monk and deacon at the same value, of 400 solidi (*Lex Alemann.*, Tit. 13, 14); the Bavarians placed 200 on a deacon, 300 on a priest, and for a bishop as much gold as should be equal in weight to a leaden jacket which should fit the body of the murderer; when the latter had not so much gold, he must give lands, houses, money, whatever he has, to discharge the debt, and when all was insufficient, himself, his wife, and children (*Lex Baiov.* Tit., i. 10, 11.) The oldest of the Anglo-Saxon laws declares: God's fee and the church's shall be twelve times compensated, bishop's fee eleven times, priest's fee nine times, deacon's fee six times;— quaint words which lead us to the original German idea of prosperity. Fee—*yeoh*—is literally, *Cattle*, though in the passage here quoted the word had already acquired, as it appears, an extended and general sense.

PART THIRD.

CHAPTER I.

Introduction.

THE great revolution which in the fifth century brought the nations of Germany into the provinces of the western empire is an event too remarkable, both with relation to its intrinsic magnitude and the importance of its consequences, to be hastily passed over by the historian. It planted a new language, new laws, and new customs, upon Roman ground, and set everlasting limits between the ancient and the modern world. The breaking up of the mightiest state which the world had ever beheld is in itself a stupendous incident in the history of mankind; but to us, who have little in common with ancient modes of life, the early condition and habits of the barbarian settlers offer subjects of consideration of greater and more natural attraction; for we still feel their influence upon our modes of life, thoughts, principles, and institutions; they are matters of domestic interest. It is no unnatural curiosity, therefore, in this age of literary and legal refinement, to observe the progress of our rude predecessors towards a civilization different in spirit from the ancient one; to arts altogether opposed to the maxims and models of antiquity; or to have the gradual amalgamation of Roman jurisprudence with those free principles of self-government and law which still continue to flourish among us, and will exercise a blessed influence over the latest generations of

mankind. Happily, the means of prosecuting inquiries into the customs of the Germanic races, from the period of their dwelling beyond the Rhine to their complete establishment in the west, are, beyond hope, ample and abundant—the sources extending from the days of *Cæsar* and *Tacitus* to the dissolution of the second Western Empire. *Cæsar* and *Tacitus* paint with true and living colours the early habits of the Germans; other classical writers describe their struggles and the progress of the folk-wanderings; but *Gregory of Tours*, although by birth a Roman of *Auvergne*, may be regarded, in an especial sense, as the historian of the Franks, from the foundation of their monarchy to the close of the sixth century. Though far from being exempt from the superstition and credulity of the age, he is distinguished by some of the highest qualifications of the historian—clearness and fidelity in narration, an ever-present sense of religious obligation, and he has the faculty of placing before us, in a form of indescribable interest, the scenes and occurrences which passed before his eyes, with many of which he was too familiar. *Gregory* died in 595. His history closes with 591; and the narrative is taken up by *Fredegarius* and his continuators, who carry it on to the death of *Pepin*, the first of the *Carlovingian* kings, in 768. Much information respecting the constitutional customs of the Franks may be gleaned from these writers; but a more comprehensive view of general society must be sought for in the extant law sources; the various codes of barbarian law; the constitutions and *Diplomata* of the *Merovingian* princes; the *Formulae* and *Capitularies*. Among the barbarian laws, the *Salic* and *Ripuarian* treat exclusively of the customs of the Frank people; the *Burgundian*, the *Visigoth*, the *Alemannic*, the *Bavarian*, and the *Lombard*, belong to nations of German race, which, at various periods, fell into Frank subjection. Of all these codes, the *Salic* is the least mixed up with Roman matter; a circumstance which is to be ascribed to, in a great degree, the well-defined system of personal law. For under the new barbarian states, the Roman population continued to follow Roman law, compilations of which were, in some of them, made expressly for the use of Roman subjects, which even now have more than an historic value. To the *Breviary* of *Alarich*, for example, we are indebted for the preservation of the five first books of the *Theodosian Code*, for an epitome of *Gaius*, which, however, since the discovery of *Niebuhr*, has lost much of its former importance, and for five books of the "*Receptæ Sententiæ*" of *Paulus*.

Most valuable auxiliaries in researches into the social condition of the mingled German and Roman population of Gaul, in the seventh and following centuries, are to be found in the *formulae*

which, at various periods, were compiled, by generally unknown individuals, for the purpose of assisting public functionaries, notaries, and other persons in the administration of the law. These instruments, formed expressly to facilitate the business of ordinary life, sometimes throw light upon obscure passages of the ancient writers, and are always the best legal interpreters. They are not only evidences of certain legal acts, but shew the very form of the proceeding. The subjects they treat of must have been of every day occurrence; they must abound, therefore, in scenes and pictures of domestic usage, and faithfully reflect the wants, the habits, the condition of the people. Many collections of formulæ have been discovered in ancient MSS., and given to the world by the indefatigable antiquaries of the seventeenth century. Of Marculfus, the earliest of these collections, two ancient MSS. are known; one edited by Jerome Bignon, and published by him at Paris, in 1613, contains the two books of Marculfus, with the original index, to which the editor, with much probability, assigns the date of 660; and also an appendix of formulæ, of various dates, the most recent of which is of the reign of Louis the Pious. To this appendix, Bignon gives the title of "*Formulæ veteres incerti auctoris*." The other MS. is that edited by Lindenbrog, and published by him at Frankfort, in 1613, in his collection of barbarian laws. It comprises 185 formulæ, among which those of Marculfus are mingled with others of a later period, collected, by some nameless scribe, from various sources. The next in point of antiquity, are the Mabillon formulæ, many of which relate to the city of Angers, and the collection is, in consequence, styled by the editor, "*Formulæ andegavenses*." This collection, consisting of 59 formulæ, was discovered in a very ancient MS., in the monastery of Weingarten in Suabia. The pieces are evidently by different authors: at the end is the date, "*in anno tertio Theodorico regis*," and the 1st and 34th formulæ state that they are executed in the reign of King Childebert. This King Childebert must have been either Childebert I. or Childebert III., for the second Childebert reigned only in Austrasia, and it has been thought by some that the Childebert here mentioned was Childebert I., who died in 558: even Savigny gives to these formulæ a greater antiquity than to the work of Marculfus. So far as I can judge, from the language and other internal evidence, I must dissent from this assumption, and coincide with the opinion of Dom. Mabillon, who concludes that the MS. was written in the third year of Theodorich IV., who closed his obscure life in 737. The Formulæ Baluzianæ are two collections, majores and minores. The minores consist of two parts, having no connection with each other. The first part

MARCULFUS.

contains eight pieces relating to Roman law in Auvergne, and are probably of great antiquity; the others are of no particular importance. The "Formulæ Sirmondicæ" were copied by the Père Sirmond from an old MS. at Langres, and were published by Bignon, under the title of "*Formulæ veteres secundum legem Romanum.*" The same editor has also given us a small collection of 26 pieces, known as the "Formulæ Bignonianæ," which chiefly relate to the Carlovingian period. There are, also, the "Formulæ Alsaticæ," relating to the Helvetic Alemanni, and belonging, generally, to the ninth century; and the centenary of formulæ, taken from the chartulary of the Abbey of St. Gall, by Melchior Goldastus, and printed in his "*Scriptores rerum Alemanniarum,*" which are, for the most part, of the eighth and ninth centuries. Of these collections, Marculfus, the earliest, the most important, and the most comprehensive, inasmuch as the first book contains matter not touched upon by other writers, will form the subject of the present essay. I shall endeavour to draw, from his work and other sources, some particulars illustrative of the state of society, particularly with reference to public and private right, as it existed in the period of the Merovingian monarchy.

Marculfus was a monk of the diocese of Paris, but in what district he was born, in what monastery professed, or whether he was also a priest, there are now no means of ascertaining. The few direct particulars of his personal history which have come down to us are to be gathered from the dedication of his work. Something, however, may be gleaned from internal evidence, for he repeatedly refers to the Mayor of the Palace, whose office was established in the reign of Dagobert, and ceased, in 752, with the elevation of Pepin, the last Mayor of the Palace, to the throne. He wrote, therefore, betwixt the years 622 and 752. The dedication brings the question within narrower limits; for it is addressed "to Landerich the Bishop," and the only bishop of that name to be found, for many generations, in the dioceses of France, is Landerich, the Bishop of Paris, who flourished in the time of the second Chlodwig. The name of this prelate appears as a subscribing witness in a Diploma of franchise to the Abbey of St. Denis, dated in the year 653; Marculfus, therefore, lived in the reign of Chlodwig II., about the same period. The Dedication is in these terms: "To Landerich, the Holy Lord, and most venerable Father, Marculfus, the lowest and humblest of monks. Would, Holy Father, that I could have fulfilled your commands as efficiently as willingly. But I have now reached my seventieth year; my hand trembles with age; my eyes are become dim; and all the faculties of my mind are enfeebled; even as the wise man

says: 'In childhood, sense waxes; in manhood, flourishes; in age, withers.' Yet have I endeavoured to perform the task enjoined me to the best of my humble ability. What I could not do elegantly as I wished, that have I done methodically as I could, and have set forth, in this schedule, not only the things required of me, but also many others, as well royal precepts as chartæ pagenses, according to the measure of my simple and rude ability. I am aware that there are many profound and eloquent men, masters of language, who, if they read these things, will despise them as trifles, or, perhaps, will disdain to look upon them. For such men I have not written, but have endeavoured, after a plain and homely manner, to help the inexperience of the young. The things I have written down, I learned from my forefathers; they are according to the customs of the place of my nativity. I have collected them together, or drawn them up, whether they relate to the king's court or to the Vill, for the use of all who seek such knowledge. I have also added a schedule of the same."

In this brief and modest address is contained all which time has preserved of the history of Marculfus. Perhaps there was little more to tell beyond the ordinary routine of conventual devotion, or the course of his daily studies. The life of the cloister, even in that unsettled period, could be productive of few incidents; and there is little that is attractive in the history of literary labour. That Marculfus was not undistinguished in his day is indisputable from the circumstance of his having been chosen by his bishop to compile a work of general instruction. Many, probably, as he himself observes, might be equally competent to this task; but that he enjoyed, at the close of a long life, the favour of his superior, is an honourable testimony to his capacity and character; an evidence that he had gained a certain celebrity for knowledge, both of Roman and German law, according to the practice of the day. The former he would acquire from his monastic education; and, from his experience in the Salic law, and from his reference to the customs of his birth-place, it may be assumed that he was a Frank by nation. Marculfus tells us that he had done more than was required of him, and that some formulæ he had composed himself, and some he had collected from other sources. He does not enter into particulars; but it cannot be doubted that not only the stores of his own monastery would be open to him, but that the chartularies of other foundations would, by the influence of his bishop, be placed at his disposal. It is probable that the various forms of ecclesiastical endowment, precariæ, donations and dotations, clerical precepts and tabellarian manumissions, would be transcribed from existing charters; regal writs he would take from actual docu-

ments; and other things, such as episcopal eulogia, forms of agnation and manumission, charters of sale and exchange, and the common order of legal proceedings, would have become familiar to him in the course of his long experience. His work appears to have been highly valued. It was not, like the opinions of the old Roman Jurisconsults, law; that is, legal writings were not necessarily in the words of Marculfus; every man drew them according to his views or ability. But it was for many ages a guide and a repository, whereto the village jurists of France might at all times have recourse for assistance in their practice. Copies and numerous imitations of the work of Marculfus, which were remarkable, even more than their prototype, as illustrations of the gradual corruption of the Latin language into romance, were multiplied, and circulated through the extent of the Frank kingdom; but towards the twelfth century the authority of Marculfus was gradually superseded by the customs of the various provinces, and he has long ceased to be other than a safe and important guide to the historian, or a subject of curiosity to the legal antiquary.

It will be well, before proceeding to the consideration of these formulae, to cast a glance over the history of the Frank people. The term "Frank" first occurs, in the third century, as the collective designation of various tribes of Germans who had been settled along the right bank of the Rhine from the Main downwards. They appear to have been of Istævonian race; indeed, the ancient division of the Germans into Ingvæones, Istævonian and Hermonian seems useless for any practical purpose, unless it can be shown to correspond with the great Saxon, Frankish, and Slesian confederacies. In the ancient writers the Germans are always alluded to by the appellation of their tribes, not by that of their race. The chief tribes of the Frank confederacy were the Sigambri, a people spoken of by Cæsar (*de Bello Gallico*, iv. 18) as settled on the Sieg; the Teucteri, lying in the country about Ueberfeldt and Düsseldorf; the Bructeres, inhabiting the land northward of the Lippe; the Chamavi, lying to the east of them, in the modern bishopric of Münster; the Mattiaci, inhabiting Nassau; the Chatti, or Hessians, and the Amsivarii. Of these tribes the Sigambri seem to have occupied the most prominent station. They were the first to oppose the Romans, and the most persevering in their resistance; and, five hundred years after the death of Cæsar, their name appears in history as that of the Stammi tribe of the Merovingian monarchs. (*Greg. Tur.*, ii. 31.) When Chlodwig, in the year 496, submitted himself to Christian baptism, he was addressed by St. Remigius, at Rheims, as "*Mitis Sigamber*." The Chamavi, the Chaci (Chatti), and others of these Istævonian tribes,

are set down in the Pentigerian table, which is supposed to be of the middle of the third century, as Franks; and it seems that, previous to the year 242, they occasioned no little annoyance to the Romans by their constant inroads into Gaul. Flavius Vopiscus, the earliest writer who mentions the Franks by name, has preserved the burden of a military song on the occasion of the defeat of a party of marauding Franks by Aurelian, then a tribune of the sixth legion stationed at Mainz :

“ Mille Francos, mille Sarmatos, semel et occidimus,
Mille, mille, mille, mille, mille, Persas querimus.”
(Vopiscus in Aurelian., vii.)

This fragment refers to the Persian war, which broke out A.D. 242, and to which the said legion was then on the point of marching.

After that period we find the Franks on the left bank of the Rhine, employed as Ripuarian or limitanean soldiery, to defend the passage of the river against still fiercer barbarians. Under a vigorous government, the Franks, like every half-civilised race, would prove faithful and valuable subjects, but the feeble administration of the tottering empire had reason to dread their violence and rapacity. Sometimes by open force, sometimes by imperial connivance, the various tribes of Franks, the Sigambri, the Salii, the Chamavi, Aluarii and the Bructeres, pushed their encroachments continually further over Gaul, and, two hundred years after the death of Aurelian, they were spread over the country from the Rhine to Tournai, and from the Batavian Insel to the neighbourhood of Soissons. In 413, Treves, the capital of the Roman province of Belgium, fell into their hands. About 420, the confederated tribes, with the view of pushing their conquests with greater vigour, resolved to elect a *faramund*, or king of the whole nation, and, according to the best authorities, they chose Theudemur, the father of the Clodio who is regarded as the founder of the Merovingian monarchy. Domestic dissensions, and the irruption of Attila, which, in the middle of the fifth century, swept like a tornado over western Europe, and utterly rooted out, in its course, the first Burgundian kingdom which had been established in the neighbourhood of Worms, arrested, for a time, the course of Frank prosperity; but on the plains of Chalons the Franks, under Merovig, stood with the Wisigoths by the side of the Romans, and shared the glory of *Ætius* in that greatest of recorded fields. After the death of *Ætius*, the last of the Romans, the empire in Gaul was contracted to the district around Soissons; dissensions soon arose between the Romans and their too powerful allies; and, as occasions for the revival of the ancient wolf and lamb contro-

versy are never wanting, Chlodwig, in his 20th year, resolved to make an end of the Roman power in Gaul, and advanced through the Ardennes forest, in the year 487, to the encounter of Syagrius. The victory of Soissons destroyed for ever the phantom of imperial power, and the whole of Gaul, northward of the Loire, with the exception of Armorica, became thenceforward the inheritance of the Franks. Five years later Chlodwig carried his arms across the Rhine into Thuringia, the conquest of which kingdom was completed by Theodorich his successor. (*Gesta Franc.*, x.) In 496 his aid was claimed by Sigebert, the king of the Ripuarian Franks, whose seat was at Cologne, against the Alemanni or Suabians, whose territories extended upwards from the Lahn to the Moselle, on both banks of the Rhine, almost as far as Switzerland. (*Greg. Tur.*, ii. 27, 30.) Chlodwig hastened to the assistance of his kinsman, and the murderous fight of Toul, the immediate cause of his conversion, ensued. The consequences of this victory were the subjection of Alsace and Suabenland, north of the Nechar, and the murder of Sigebert soon afterwards gave him the Ripuarian kingdom. Chlodwig died early, but under his successors the Burgundian kingdom was added to the Merovingian inheritance; so that in the time of Marculfus the Frank dominion extended from the ocean to the extremities of the Thuringerwald, and from Batavia to Aquitani.

The progressive and comparatively peaceful occupation of Gaul by the Franks differed widely in its nature from the Saxon conquest of Britain. There the war was a war of extermination; the mass of the free inhabitants who escaped the sword, were either reduced to the hardest slavery, or fled into the more remote and inaccessible parts of the island. The laws of Rome fell into disuse, the very language was rooted out, and the name of Britain forgotten for many ages. The Franks, on the contrary, had been on terms of friendly intercourse with the Roman Gauls; as friends and allies, they had protected them from ruder barbarians, the Quadi, the Saxons, and the Huns. Few in number, compared with the general population, there was a gradual assimilation among them to Roman customs and to the Roman tongue. The two nations appear to have lived together on terms nearly approaching to equality. Acts of violence will ever be frequent in violent times, and in a rude condition of society; but they were common to all classes of the population; they were acts of individuals, not of nation, and we nowhere read of that general oppression on one side, and suppressed hatred on the other, which too often characterise the relation of conqueror and conquered. The names of Romans appear in the history of the Merovingian monarchs, indifferently with Franks, as bishops, dukes,

and counts; and they were as frequently employed as Franks in offices of trust and importance. Since, therefore, no rebellious spirit ever burst forth among the Gauls—since we hear of no ebullitions of national discontent, it is fair to conclude, and, indeed, we know from authority, that they not unwillingly exchanged a government become too feeble to protect, for one which, at the price of some sacrifice of property, left them in the peaceable enjoyment of the remainder. It does not appear that, on the settlement of Gaul by Chlodwig, any regular partition of land between Frank and Roman, similar to that effected by other wandering peoples, took place, nor was there the same necessity for such a procedure; for, in addition to the *Villa fiscales*, the valuable domains of the imperial government, which passed over to the Frank, large tracts of country fell into his hands for want of occupiers; for the half-depopulated land lay waste from the distractions of preceding times, and the Romans were almost exclusively confined to the cities. Much of this land the king retained in his own hands as the property of the Fisc; much of it, in succeeding periods, formed the rich dotation of abbeys and churches; and much of it was assigned to the Frank warriors, partly as benefices for a term, and partly as *allodes*, with no other condition than the prescriptive one of military duties. And while land was granted to the Franks upon this natural, but unexpressed condition, the Romans appear to have held their property as heretofore, under the Roman law, as freely and absolutely, and by the same titles, as it was held before the conquest. The Burgundians, whose settlement was not a progressive one, made a more regular and more harsh partition. They left the Roman in possession of half the house and garden, and took two-thirds of the land and one-third of the slaves; the forests remained common to both peoples. The Wisigoths, in like manner, took two-thirds of the landed property; but very different was the treatment of the conquered Suabians by the Franks, though of kindred blood and speech, to that which had been experienced by the Romans. The ancient animosity, which even in Caesar's time pretailed between the Franks to the north, and the Suabians to the south of the Main, had come at last to a bloody issue. Most of the Alemannic leaders were slain at the fight of Toul, the few who survived fled to the southern parts of the country which threw itself under Ostrogothic protection; and almost the whole country was either taken possession of by King Chlodwig, or divided among his Franks, and the left bank of the Rhine lost the name of *Suabland* for ever.

In Gaul, however, all authorities concur respecting the indulgent treatment of the Romans; neither was there among the barbarians,

generally, after the division of the land, any oppressive interference with the laws and usages of the subjected people. Though almost every district and village in Gaul, and in the Burgundian kingdom every considerable estate, was parcelled out between Roman and barbarian, yet each possessor continued to enjoy his natural rights, and to follow his national customs, in the same manner, and with the same freedom as before the settlement. In this manner law became a personal privilege, and not a territorial distinction. For while the Frank and Burgundian introduced their own free principles of Mark and Gau association, and attended, at stated periods, at the mallus, where the Salic or Burgundian law was dealt out by themselves, the Roman regulated the business of life, as formerly, by Roman law, chiefly by the Theodosian Code. This code, which was promulgated by the younger Theodosius, in 438, contains the edicts and rescripts which were recognised as of authority, from the time of Constantine to the year 438, arranged chronologically under each particular title; and, together with the *Novellæ Constitutiones*, published ten years later, constituted the latest code of Roman law in Gaul. From this compilation may be gathered, with tolerable accuracy, the nature of the Roman institutions during that period. The free inhabitants of the Roman Municipium were divided into two orders: one, consisting of the Decurions or Curiales, formed the Curia, or governing body of the city: the second comprised the remainder of the free population. The Curia was a corporation, the right to which was hereditary. The members of it exercised no deputed authority; they enjoyed their station, not in consequence of election by the citizens, but by virtue of noble birth. They were, in fact, a caste; "*stirps curialis*," "*sanguis curialis*," are the express words of the law. A certain number of the Curiales, varying in different cities, were styled primates, and the eldest of the primates was the Principalis, or chief of the senate. The jurisdiction of the Curia was limited to the making such bye-laws for the regulation of the city as were not at variance with the imperial constitutions, to the administration of the public estates, and the collection of public taxes, for which the whole body of Decurions was responsible. These taxes consisted of the land-tax paid by the Possessors, and the capitation-tax paid by the Tributarii; and so heavily did these and other responsibilities fall upon the Decurions, that what was originally a distinction came to be considered as the greatest of all misfortunes. All governing, all judicial officers were appointed by imperial authority. The chief magistrates of the Municipium were the Duum or Quatuorviri, who, in earlier times, were appointed by election; but after the fourth century a new judicial officer, under the name of Defensor, was appointed in every

city, and even in smaller places. (Codex Theod., i. 20.) The jurisdiction of this functionary, who held his office for the term of five years, was originally limited to matters of minor importance; but by degrees he acquired the presidency of the Curia, superseded the ancient Duumviri, and in the time of Marculfus we hear no more of the higher orders of magistrates, but find their place occupied by the Defensor, who, in all the formulæ relating to Roman law, is spoken of as the highest judicial officer.

The Roman citizens, not of Curial birth, were generally divided into colleges according to their hereditary craft. Each trade was thus a minor corporation, the members of which, not slaves, and yet imperfectly free, held a kind of middle rank, somewhat analogous to that of the *ceorls* and *coloni*. The craft of every family was hereditary; and though a disciple might be received, or a son-in-law from another craft adopted, yet that son-in-law and that disciple, and their descendants were irrevocably united to the craft of the family which had adopted them. Every college was empowered to make bye-laws for the regulation of its own concerns, but not to interfere with the public administration, to possess an "arca," or common chest, and to appoint an "actor" to represent it in judicial proceedings. These colleges are evidently the guilds of the middle ages; in the Roman disciple we may detect the modern apprentice; and in the hereditary obligation to follow a particular trade, we may discern the origin of freedom by birth, or by servitude in corporate towns. The leading idea in Roman institutions was municipal. Every franchise was the result of belonging to a certain college. And we thus infer the franchise of cities owe their rise to Rome. Thus to the municipia of Rome, not to German institutions, are to be ascribed the origin and form of the municipal corporations of the middle ages.

It was chiefly in the cities of Gaul that the Roman population had congregated, and Roman law was preserved. The people of German race, on the contrary, seem to have chosen their portion in the open country—in the pasture and the wood, and left the towns, with the arable land in their immediate vicinity, in the possession of the ancient proprietors. In all times had they been distinguished by the same partialities; they were essentially a rural people. Tacitus, the most faithful and comprehensive of ancient writers—so faithful, that centuries later, when a new order of things and writers had arisen, we find the identical habits which had been described by the Roman classic; so comprehensive, that although his Germania seems rather a collection of notes than a finished work, little can be gleaned from other authors to complete his picture of the people—Tacitus informs us that "the Germans loved

not to dwell in cities, but settled, every man according to his pleasure; as a spring, a field, or a wood invited." (Tac. Germ. xvi.) These objects are indeed, in rural life, as much matters of necessity as of taste. Water, pasture, and fuel constitute no unimportant portion of rural domestic economy, and the number of German villages whose names end in "Born," Bach, Brunnen, Feld, or Hain, shew that they were the first considerations in the choice of a settlement. "And in their villages, says Tacitus, they made not streets after the Roman fashion, by means of connected buildings, but every man's house stood by itself, with a little ground around it." Custom survives the decay of institutions, and, even in the present day, may traces of these primitive habits be observed. He who is familiar with the villages of Germany will be aware how often the same arrangement exists now which prevailed in the days of Tacitus. Rarely is there any continuous collocation of buildings, but every cot is detached and surrounded by its little garden. The larger houses, those to which a hyde or more of land (hoba) was attached, were called Höfa, Mansi, Curiae; the cots, kotten, casæ, had a smaller piece of land, termed, *Bifang*, *exartum*, *proprium*. Beyond the cultivated land were the undivided pasture and forest. These hofs and cots, with the private and common lands, cultivated, or forest, which surrounded them, constituted a Weiler, in low Latin a Vill, or Marca, and the inhabitants a community, the bond of whose union was the right to the enjoyment of the common lands. The free proprietors of hofs and cots formed the legal community or Markgenossen, though the hof-owners had certain privileges with respect to the lands which were denied to the cotters. Over the Vill presided a Decanus, or Dorf-graf, sometime the proprietor of a certain manse, but generally elected by the community. The affairs of the Vill were under the control of the free proprietors, who, under the presidency of their Decanus, met at stated times in a certain place, and held in the open air a Mark-thing, where all common business, such as the management of the common land, and the terms of its appropriation, the trespasses, fines and damages relating thereto, was discussed and decided. Twice a year was held a more important assembly. This was the mallus of the Gau, or district comprising many Vills, which every free-man had the right, and was required, to attend fully armed. It was held on the Malberg, in the open air, under the presidency of a Gau-graf, who was generally chosen from a princely family, or from among the greatest proprietors. Before the mallus was all criminal and judicial business brought: here were decided questions of inheritance; and all matters which required a legal publicity, such as the delivery of arms, the manumission of slaves,

and agreements of every kind were transacted in the face of the community. A certain number of *Rachimburgers*, who were probably chosen from the most eminent of the free proprietors, either for their age, their knowledge, or their wealth, appear to have taken the lead in the legal business of the *mallus*, but every free-man had a voice in its decision, whatever might be the subjects brought before it.

Such were the principles transplanted by the Franks to the soil of the empire. The territory was divided after the German fashion into *Gaus* or districts, over each of which a *Graf*, or court, presided. The *Gau* was again subdivided into *centenaries*, the *centenary* into *free*, *peculiar*, or *mixed Villis*, accordingly as they belonged to various free proprietors, to a single lord, or consisted of both kinds of property. The laws of the Franks were immemorial usage, handed down orally from generation to generation. But, after their settlement in the empire, the perception of the advantages of a system of written law, which, indeed, the altered relations of society rendered necessary, perhaps the ambition of the barbarian sovereigns to imitate their imperial predecessors in the work of legislation, contributed to produce those codes of written law which are known under the name of "*Leges Barbarorum*," and which are all, more or less, mixed up with matter derived from Roman sources. *Eurich*, the *Wisigoth*, appears to have led the way in the course of written legislation. The earliest *Wisigoth* laws were written between the years 466 and 484. The *Burgundian* code, in its present form, was promulgated in the year 517. There are various opinions relative to the date of the oldest *Salic* law. The prologue states that it was propounded in times of paganism, by chiefs who were then the rulers of the people. "Afterwards, it proceeds, were chosen four men, *Wisogast*, *Rodogast*, *Salogast*, and *Windogast* by name, dwelling in seats called *Salogheve*, *Bodogheve*, and *Windogheve*, who, meeting in three *malli*, diligently searching into the origin of things, and discovering every article, appointed the law after its present fashion; and when, by God's favour, *Chlodwig*, the long haired, fair, and illustrious king of the Franks, had received Catholic baptism, whatever in the *Pact* was found to be less useful, was, by the glorious kings *Chlodwig*, *Childebert*, and *Chlotar*, profitably set forth." It appears, therefore, from this prologue, that the written *Salic* law, in its present form, was published in the early part of the sixth century, though this antiquity has been questioned by writers whose opinions are entitled to respect. More recent investigations have almost demonstrated that, if not of the sixth, it is, at the latest, of the beginning of the seventh century; at all events, it is beyond doubt that the elder

version of the Salic law was of authority in the days of Marculfus, and is that to which his formulæ refer.

Wherever a system of law, whether oral or written, is established, there will be, in order to ensure some degree of regularity, certain forms of words in use, which will vary in technical excellence in proportion to the degree of perfection which legal science may have attained. In a rude state of society, forms will, of necessity, be merely oral; they will be few and brief, often rythmical, that they may be better impressed upon the memory, and not unfrequently accompanied by symbols expressive of the object in view, which, in many cases, seem almost as necessary as the words to ensure its complete understanding and confirmation. Terms of this nature are probably common to all barbarous peoples, and such were those which accompanied the alienation of land, the *wahrhaft*—making of young men, and the manumission of slaves among the Franks, forms which still survive in the written law, but which had previously existed as customs from immemorial ages. The written formulæ, however, of the Merovingian and Carolingian periods seem to have been derived from Roman practice, of which they would constitute no unimportant portion. In the better ages of Roman law the formula is remarkable for the technicality and precision with which it was drawn; the various parts of it are nicely defined; every sentence carries with it an important function and a word too much or too little would be fatal to its object. Gains gives us many examples of such formulæ but, in proportion as the empire sunk under barbarism, legal phraseology would become less precise; for the decline of technical skill would necessarily keep pace with the general deterioration in other sciences. Formulæ thus became less precise in object, more verbose in expression, the language more turgid and more corrupt; and, in addition to these defects, other peculiarities would accrue from the German conquest. There was among the Franks no class of professional lawyers equivalent to the Roman *Jurisperiti*. The warrior despised all law beyond the customary law of the *mallus*; and every species of theoretical law, like other sciences which depended on letters, would fall into the hands of the monastic orders. The written documents of ordinary life—charters, and diplomas of every description, assumed, in consequence, somewhat of a religious expression, and became tinged with the colouring of the cloister. At the same time, the great extent of the Frank kingdom rendered writing indispensable, not in civil law merely, but in matters of government and public policy, which, in a simpler state of society, had been debated orally at the *mallus*, while the multiplicity of peoples and customs existing under the same government, would

make the administration of law bewildering to the functionaries who presided over it. These considerations would render the compilation of a collection of written forms highly desirable. That such a compilation was greatly needed in the seventh century we know from the fact that the collection of Marculfus was written at the instance of his bishop.

The formulæ of Marculfus consist of drafts or forms for almost every species of legal writing, which the wants of the age might require, from the exercise of the highest functions of government down to the most ordinary traffic between man and man. Blanks are left in these instruments for the insertion of the names of the parties interested, to be filled up as occasion might require. The collection is divided into two books:—The first, called "*Chartæ regales*," consists of forty formulæ, relating, in a great degree, to public right, and treats of charters and writs, which proceeded from the king's authority, and of acts which were to be done in his court. The second, consisting of fifty-two formulæ, bears the name of "*Chartæ pagenses*." These were formulæ relating to private land, to proceedings before the count, or centenarius sitting at the *mallus*, or before the *Defensor* and *Roman Curia*. And first let me state the fundamental principle of Gothic law, a principle common to every people of German or Scandinavian race—Frank, Saxon, Suabian, Lombard, or North-man, that every legal act, whether it be an ecclesiastical endowment, a conveyance of land, a dower or a donation, must be done and published in the open court, in the presence of the count, earl, or graf of the district, and before the legal assembly of the people. This principle is founded upon two grounds: the evidence and the consent of the community. For it must never be lost sight of that these popular courts of judicature had an immemorial existence for centuries before they became courts of record, and that in the ignorance of letters, there was no method of establishing the validity of a legal act, except by the testimony of numerous witnesses. Therefore the law required that he who would alienate land, or enter into any contract, or purchase a wife, or manumit a slave, should do it in the periodical assembly, according to recognised forms, and with appropriate symbols, in the presence of his relations and neighbours, who served at once for evidence of the act, and of its confirmation by the assembly. These forms long survived in France the introduction of writing into the courts, and the change in the Germanic constitution by Charlemagne. It was only by slow degrees that this wholesome publicity was abandoned.

A more obscure question, so far as relates to the inheritance and alienation of land, is that of the consent of the community. This

theory rests not so much upon the assumption that all land was common property, and that, therefore, the consent of all was essential to its alienation, as that it was burthened with certain duties, and that the community had a right to see that no one was admitted to its enjoyment who was not in a condition to perform them. No new comer could, according to the Salic law, settle on the waste land in a Vill without the consent of the inhabitants, and an heir might be barred from his inheritance, if it were apparent that, from sickness or other causes, he was unable to discharge its duties. In a society which requires from its members strength and courage in arms, capacity to administer justice, provision for the wants and security for the good conduct of their dependents, the admission of new citizens is no trivial matter, and it was so regarded by the most celebrated of ancient democracies. In the Athenian δῆμος, which in its constitution comes nigh, in many particulars, to the ancient German Freiwiler, the rights of citizenship were watched over with extreme jealousy. No person could enter upon the inheritance of a patrimony, until the consent of the δημόται in the regular public meeting had authorised the insertion of his name in the ληξιαρχικόν γράμμαρεϊον, and there are instances of a demarch having been bribed to assist in getting the name of a spurious citizen upon the register. The express object of the διαψήφισις was only to try the right of the δημόται to the register, and a convicted intruder fell into the state of an alien. (Demosth. c. Level., 1091.) In the same manner as the German might appeal from the Mark to the Gau-thing, might the Athenian appeal to the courts at Athens from the sentence of the διαψήφισις; but if unsuccessful, mark the difference in the result! The barbarian mallus merely confirmed the verdict of the Mark, while, among the polite Athenians, the wretch whose appeal was rejected, was sold as a slave, and his property was confiscated. (Dionys., Hal. de Is., c. xvi.) A similar constitution respecting the rights of land and citizenship may be traced in the early ages of the Roman commonwealth; many of the Roman forms of the transfer of real property, many of their legal fictions, can only be referred to the theory of the consent of the community.

CHAPTER II.

Of the King's Prerogative.

THE *chartæ regales* comprise the formulae respecting such private business as was sufficiently important to be taken into the king's court; but the bulk of them are the various kinds of regal writs, from which may be gathered, with tolerable accuracy, the nature and extent of the royal authority. In the earliest times, according to Tacitus (*Germania*, xii.), some of the German tribes had kings; in some there were no kings, but only chiefs. From this we learn that some of the tribes were divided into a number of independent *Gaus*, each under its own elected Jurists; while in others the *Gaus* elected a head, whom they called king, who was chosen from a particular family. Indeed, the very name king implies a royal race; and such were the races of the Amali, the Balthæ, and the Merovingi. The Franks seem, from very remote times, to have been under a number of petty kings; and as it was usual and necessary, in times of war, for confederated tribes to elect a temporary leader for the whole race so the regal authority over the Frank nation came into the family of the Merovingians. It was probably not intended that this supremacy should endure beyond the circumstances which had occasioned it, and, indeed, in the time of Chlodwig, we find many Frank tribes in the enjoyment of a certain degree of independence, but the overthrow of the Romans in Gaul so strengthened the hands of Chlodwig that he was enabled to overcome all obstacles, and to bring the whole Frank people into an enduring subjection. It is natural for man to dislike control; the history of kings is generally the history of their struggles for power; such, at least, was the history of the Frank monarchs, from Chlodwig to

LOUIS XIV. All the leaders of the wandering nations were founders of monarchies; they retained the power which had been conferred upon them only for the special object of their enterprise. The situation of an invading tribe among natural enemies would afford a ground for the usurpation, not altogether unreasonable; but Chlodwig had claims peculiar to himself, which led him to reject dependence on the people. He loved to represent himself as the successor of the emperors; "he accepted," says Gregory (ii. 38), "letters of consulship from the Emperor Anastasius, was clothed at Tours in the church of St. Martin, with the diadem and purple robe and tunic, and was saluted, from that day forward, with the titles of Consul and Augustus." With the imperial title, something resembling an imperial court was established. The Referendarius, later called Apocrisiarius, Archicapellanus, and at last Archicancellarius, bore the seal, and authenticated the written documents of his government. To assist him was a Cancellarius, who presided over the Notarii, who prepared them. In imitation of oriental pomp, the arrangements of his house and the details of domestic service were converted into subjects of public importance. The royal war-horses were under the care of a Mareschal; a Shenk, or butler, served the wine at the royal festivals; a Seneschal, or Truchsess, provided for the table, and carved the royal meat; while a great domestic, *Comes Domus Regiæ*, superintended the general economy of the household. And as the ceremonial of the eastern empire elevates the meanest attendant upon the sacred person of the sovereign far above all earthly principalities and powers, so, in the economy of the long-haired king, the domestics of his house became dignitaries of the state, and were the habitual counsellors and ministers of his government. But a more important auxiliary in the path to imperial power than titles and empty pomp, was the possession of the *Villæ fiscales*, which were scattered over all quarters of Gaul, and the assumption of the right of succession to the lapsed and vacant lands, for which, after centuries of slaughter, no legal proprietor could be found. These rich possessions, there is reason to believe, formed the fairest and no inconsiderable portion of the depopulated country, and afforded the amplest means of attaching powerful subjects to his interest, by grants of land, either by way of alode or benefice. There were also the legal rights which had pertained to the emperors; the right to levy taxes on the Romans, and to make laws for their government, not for that of the Franks, which could only be done in the Marchfeld, the right to appoint public officers, and, above all, the right to dispose of the patronage of the church. Many of these devolved, without dispute, on the conqueror, and combined to advance him far on the way

toward imperial power. All these sources of influence were foreign to the Franks. According to German customs a king was little more than a military leader, and received only his share of the spoil; Chlodwig himself had asked the permission of the Franks to return to a certain church a vessel which had been carried away, and this permission had been refused by a rude warrior. (Greg. Tur., ii. 27.) The principle of the German state was the federation of independent communities. Within the limits of the Mark the freeholders possessed entire jurisdiction, elected their own officers, administered their own law, and an encroachment on their bounds and franchises by a neighbouring vill, would be repulsed by force, or redressed in the Gau-thing; or, if necessary, in the great annual folk-meeting. In the German state-economy, everything was done by the people; the theory of Roman imperial law, on the contrary, was founded on the inverse principle. Everything, according to it, proceeded from the emperor; every officer was appointed by his authority, all laws proceeded from his wisdom, even a character of sanctity was ascribed to him, and every benefit was assumed to be dealt out by him, and enjoyed as the consequence of his bounty. These were the powers, this the inheritance to which Chlodwig looked with longing eyes: but unforeseen accidents interfered to preserve no inconsiderable portion of the Germanic constitution. His own early death, the dissensions and weakness of his successors, the very means he had used to ensure success, the rearing up of a preponderating aristocracy, in time produced the natural effect of raising rivals out of subjects, and combined to prevent the accomplishment of his designs. How far the Merovingians had succeeded in modelling the regal, after the imperial, authority, I propose to shew from the *Chartæ Regales* of Marculfus.

The *chartæ regales* are not arranged in any connected order; it will be more convenient to class them according to the following subjects: those relating to the political power of the sovereign, those respecting the church, and the formulæ pertaining to the king's court of justice. Of the first class, the most important are the appointments of great officers. The eighth formula is the "*Charta de Ducatu*," a form for the appointment of counts and dukes in the provinces. The ordinary officer is the count, Gravio or Graf; the duke, originally a military leader, Heerzog, appears chiefly beyond the Rhine in the capacity of Vice-roy, as the dukes of the Bavarians and Suabians. The office of Graf, like all others was originally an elective one, but in conformity with imperial precedent, the counts under the Merovingian monarchy were appointed by the crown. From the *Charta de Ducatu* we learn that the Frankish

count, like the Saxon alderman and northern *Tarl*, possessed judicial as well as military power, that he presided in the court of justice, and administered the various codes of law which prevailed in France, according to the nation of the suitor. The formula is in the following words: "It is not meet that the judicial power should be committed to any one whose steadfastness and integrity have not been fully tried. Wherefore we, such a king, having proved thy faith and ability, commit to thee the office of count (or duke or patrician) in such a district which has been vacated by thy predecessor, to be held and exercised by thee, so that thou mayest maintain fidelity to our government, and rule the people living under it, whether Franks, Burgundians, Romans, or other nations, and govern them in the path of justice according to their moral laws and customs. Be the defender of the orphan and the widow! repress the wickedness of thieves and evil-doers, that the people may dwell in peace under my government! and whatever comes to the fisc within thy government, is to be remitted annually to the royal treasury."

The first question arising from this formula is the nature of the court over which the count presided. This was the *mallus* or thing, in which every free-man originally had a voice. No unfree man could take part in judicial proceedings, but was himself judged by the free inhabitants. The *mallus* was held at a fixed place, in the open air, for it was not until the time of the Carlovingsians that the shelter of roof was had recourse to, generally upon a hill, which thence derived the name of *Malberg*. Here the men stood or sat in a circle, whence the expression "to go to ring or thing," became equivalent to appearing before justice. In the time of the *Salic* law, we find seven of the free inhabitants selected under the name of *Rachinburgers*, in order to declare the law. The word *Rachinburger*, in its original sense, seems to denote a free-man in the most complete possession of civic rights; the *Rachinburgers*, therefore, would be the same as the "*boni homines*" of other countries. But there was a distinction, which, from the obscurity of those times, it has become impossible to explain, between the *Rachinburger* and the ordinary free-man; it is certain, that though it was necessary that every *Rachinburgius* should be free, all free-men were not *Rachinburgii*. In addition to these, seven *Rachinburgii* were also *Sachibarones*, of whom the *Salic* law provides that not more than three should be present on the *Malberg*. These *Sachibarones* seem to be persons who made the law their study, and whose duty it was to advise the count and the *mallus*. Their office was held to be so important, that the *wergild* of a *Sachibaro*, if a free-man, was equal to that of a count, 600 *solidi*; and it was 300

solidi in case he was only a "*puer regis*." There was this remarkable distinction, therefore, between a *Rachinburgius* and a *Sachibaro*; that while the former was necessarily a free-man, the *Litus* was admissible, in the case of the latter, to a weighty, and, to judge from the *wergild*, a more important function. It is uncertain whether the office of *Sachibaro* was an elective one, or one of regal appointment, though the high *wergild*, and the circumstance that in the Carlovigian period it was merged in that of the *Scabini*, would lead to the inference that the *Sachibarones* derived their dignity from the crown. It does not appear that they were called upon in every case for their opinion; it was only in doubtful matters that reference was made to them, and the *Rachinburgii* could decide of themselves, if they were satisfied as to what was the law. The right was in the *Rachinburgers*, the *Sachibarones* were only their assistants; and this is in accordance with the fundamental principles of Gothic law, which conferred the judicial power only upon the possessors of free land. It lay with the *Rachinburgers* to decide, with the count to pronounce the judgment, while the *Sachibarones*, however superior their legal qualifications might be, were only referred to in the capacity of advisers.

Since the count, according to the formula, was empowered to administer Roman as well as barbarian law, it might be inferred that he not only presided in the *mallus*, but also in the *Curie* of the towns, or that an appeal lay to him from the decisions of the Roman Defensor. "*Lege Romanam legem*" was the reply of Charlemagne to a certain *Missus*, who required instructions for his guidance in a supposed case in the administration of justice. The counts appear to have stood, with respect to the provincials, in the place which the *præsides*, *rectores*, and *consulares* had occupied under the imperial government, and probably no small part of their judicial business was to hear appeals from the humbler courts of the *Dorf* and *Zehntgraf*. With respect to the rules which regulated the application of the various species of law to barbarian or Roman, it appears that every one born of Roman parents, all ecclesiastics, and all suits relating to the church, were under the jurisdiction of Roman law. The child was esteemed to be of the nation of the father, the wife, whether Frank or Roman, of that of the husband. An illegitimate child chose his own law. Criminal matters were adjudicated according to the law of the complainant, civil suits according to that of the defendant. A free barbarian, embracing the ecclesiastical profession, became subject to Roman law. A freed serf was Frank or Roman, as he had been manumitted according to Frank or Roman forms. A Frank settling in the neighbourhood, or even within the limits of a town, was still within the jurisdiction

of his Decanus or Centenary, not under that of the Curia, because law was personal.

The eighteenth of the chartæ regales relates to the appointment of the Antrustion. It is a remarkable instrument, inasmuch as it begins a system of personal attachment, by oath, to the person of the king, independent of the kingdom, and shews that the form of feudal homage, if not the tenure of land on feudal principles, existed in the seventh century. "It is right," says the formula, "that those who have promised inviolable fidelity to us should be protected by our favour. Wherefore, since the faithful subject, such an one, has, by God's inspiration, come with his Arimannia to our court, and there, in our hand, sworn truth and fidelity to us; so, by this personal precept, we decree and command that the aforesaid such an one shall henceforth be reckoned in the number of our Antrustions: and if it be that any one shall think to slay him, let him be aware that he will be judged guilty in a wergild of 600 solidi."

Every delict involved, according to all the Gothic laws, two species of fine; one to the king, or community, for the breach of peace; and one as compensation to the party injured. It was so in the days of Tacitus. (Ger., xii.) The first was called "Fretha," Latinized into *fredus*, *freda*, and *fredum*; the latter, in cases of homicide, was paid to the next of kin of the deceased person, as a compensation for the injury sustained for his death. This is the wergild. And, as the amount of it varied according to the degree and condition of the deceased, it forms a standard whereby the various stands and dignities were measured in Gothic estimation. According to Grimm, in the Salic law, seven degrees, exclusive of the highest and the lowest, the king and the simple serf, are enumerated. These were:—1, Ingenuus in truste; 2, Litus in truste; 3, Ingenuus in hoste; 4, Litus in hoste; 5, Ingenuus; 6, Litus; 7, Servus in hoste. The Ingenuus was the ordinary freeman; the Litus was the Colonus, who was also esteemed free, but whose state was, in fact, one of modified servitude. The wergild of the Ingenuus may be taken for the integer, from which the others are to be reckoned. There is considerable obscurity respecting the signification of the Ingenuus in hoste; it would literally signify the free-man in the host; but every free-man was constantly armed for service; it was the condition and proof of his freedom. That there was a great distinction between the common free-man and the free-man in hoste, is evident from the difference in the wergilds, which in the latter case was triple that of the former; but to be "in truste," to be attached by oath to the personal service of the king, was the highest honour a Frank could attain, and carried with it a nine-fold wergild. The persons

so attached were the king's antrustions. They might be free-men, or they might be *Liti*, though it is probable the latter class were chiefly employed in civil or domestic offices. The formula evidently refers to the free Antrustion, for it mentions the *arimannia*, or attendance of armed free followers, who accompanied him. And yet there is a discrepancy between Marculfus and the Salic law respecting the amount of the wergild, which, according to the law, would be 1800 solidi, but is fixed by Marculfus at 600. The Ripuarian law agrees with Marculfus in fixing the wergild of the *Ingenuus* in *truste* at 600 solidi; and it is either to that branch of Frank law that Marculfus refers, or the amount of wergild in the Salic varied in different epochs. Indeed, there is reason to believe that the table of wergilds was revised in the beginning of the ninth century. The Anglian and Weringian law fixes the wergild of the free-man at 200, that of the *Adeling*, or noble, at 600 solidi; the law of the Mercians sets 200 solidi on the head of the *Ceorl*, and increases it six times in the case of the *Thegn*. The Burgundian law makes the wergild of the noble only double that of the ordinary free-man, while the Frisians made the difference still less; they gave eighty solidi for the life of the noble, and fifty-three and a half for that of the common free-man.

The distinction between an *Adeling* and the ordinary free-man is found in the laws of the Saxons, Frisians, Thuringians, Anglians, and Burgundians. In the Alemanni and Lombard laws, which, as they now stand, were fashioned under Frank princes, a similar distinction is made in favour of a higher class, which appears under the term "*Primi*." But in the Salic and Ripuarian laws no mention is made of the *Adeling*; but the same wergild applies to all classes of free-men. There are higher wergilds, as I have before shewn, but they relate not to caste, but to the extensive circumstances of office or personal station. The question, therefore, has arisen, whether there was an order of blood nobility among the Franks, and opinions have been divided respecting it. Sismondi decides in the negative, and his decision has been to some extent counterbalanced by the greater authority of Eichorn, Pertz, and Savigny. Grimm, on the contrary, conjectures that those classes who in the Salic law are designated "*Ingenui in truste* and in *hoste*" were noble. The supposition is not without difficulties. The Antrustion connection, per se, was a personal one, the bond of which was the oath of fidelity. It was not an office, though it is probable that all great offices would be supplied out of their number. They were not necessarily free, for they might be *Liti*; they could not, therefore, be necessarily noble, though men of noble race might constitute the far greater portion of their body. The

counts and dukes of that period were not hereditary, but official dignitaries, whose honours expired with their office; and the terms "Seniore optimates, Proceres," which occur in Gregory and Fredegarius, might as certainly refer to men as to hereditary nobles. Still it is difficult to conceive that the Frank customs of any period of their history would differ in this important particular from those of other peoples of Gothic origin. In all the Gothic nations the utmost respect was paid to blood. Among the Ostrogoths the race of the Amali was pre-eminent; among the Wisigoths, the Balthæ; among the Vandals, the Asdingi; mention is made among the Lombards of Agimund being sprung from the family of the Gunginei; Adoin was of the race Gausis; Cleph of that of Beleos; Agiluip was an Anauvat; Ariobald a Capui; Rothar, the son of Nundegild, was of the family Arodas. If the historians of the time, when they speak of a distinguished individual, are careful to record his race, it is an evidence that there was a class distinguished from the mass of the free-men. The Scandinavian Goths, as well as the northern Germans, carried their veneration for race to such a superstitious extent, that the old Odin-blood was essential to the sovereignty. All the reigning families, Anglian, Saxon, Dane, and Norwegian, traced their descent from Odin. Among the Bavarians we find, besides the Agilolfingi, the Huosi, the Throzza, the Sagana, the Hahilingua, and the Æmniun, distinguished from others by a higher wergild; and the Franks themselves, according to Gregory, elected a king out of the noblest family among them. Neither is it to be supposed that the Merovingian family alone was noble, or that the descendants of the lesser Furistones, who, in earlier days, had ruled over the various independent Frank tribes, would lose the character of blood by their voluntary or compelled subjugation. Many families, however—all who could boast of Merovingian blood, or might cross him in his career of ambition—had been cut off by Chlodwig. It was the policy of that unscrupulous barbarian to break down the barriers of ancient common-right; and it would well accord with such a policy to substitute for the hereditary independence of a caste a system of dependence upon himself. Eichorn and Savigny are, therefore, probably right in assuming that the blood nobility among the Franks, as a distinct order in the state, had ceased, and that the nobles were swamped among the Antrustions. Not that there were no noble families; for the characteristics of blood are ineffaceable; but a noble who was not an Antrustion was in the eye of the law, according to Salic legislation, no more than an ordinary free-man. It was the king's favour, not race, that now conferred the distinctions and privileges of nobility. Any one with an Arimannia, whatever

his birth, might be received into the number of Antrustions. Nobility, therefore, was not abolished, but had changed its character; it was no longer a self-existing order; no longer depended upon blood, but upon the pleasure of the sovereign. Perhaps we may trace in this the origin of the modern idea of nobility, which is altogether distinct from the ancient one. The latter was uncreateable and indestructible; the former was founded upon principles of expediency. It regards the sovereign as the fountain of honour, and attributed to him the power of conferring a character, which, in its very nature, depended originally upon birth. Still, ancient blood, whatever its political condition, has always secured popular respect; and we find in the Frank writers innumerable evidences of the veneration paid to family. The poets never forget noble origin in their eulogies. Marculfus mentions the *ordo nobilitatis* as one of the qualifications required in a candidate for the episcopal office; and during the Merovingian and Carovingian periods we scarcely meet with a single distinguished prelate, the nobleness of whose birth is not the subject of the special notice of the historian.

Marculfus states the wergild of the Antrustion to be 600 solidi. The solidus was a gold coin equal to forty silver denarii, and contained rather more pure gold than a half-sovereign of the present day. It follows, therefore, that the wergild for the death of an Antrustion was equivalent to £300 of our present money, and if we reflect on the depreciation of the precious metals since the discovery of America, and the quantity of commodities which £300 in gold would purchase in the days of Dagobert, we shall be satisfied that a wergild of that magnitude was, in many cases, equivalent to utter confiscation, and sometimes, inasmuch as the person must make good the deficiency in property, to a sentence of hopeless slavery.

The wergilds, above referred to, apply only to cases of open homicide. The barbarian laws draw a wide distinction between the crimes of homicide and murder, a distinction of which the terms, and something of the idea, have been perpetuated in modern legislation, though some discrepancies have arisen, in the course of time, between the ancient and the modern definitions. The law of England regards the *animus* which led to the act, or the illegality of the circumstances under which it took place; the ancient law looked only to its clandestine performance. Secrecy was essential to the old idea of murder, and the concealment of the body was a conclusive proof. If the body of a slain man were found in an open place, the presumption would be that he fell in fair strife; but if it were discovered in a well, in a river, or covered with straw or branches, the crime, whatever might be the provocation which led to it, or the circumstances under which it occurred, would be murder. The

letter of the law seems to regard the concealment, rather than the fact, as the crime. "If any man slays a Frank, or other barbarian, living under Salic law (Lex Sal., T. xlv. 2, 5), he shall be judged guilty in 200 solidi;" but "if he conceals him in a well, or under water, he shall be guilty in 600 solidi." So, for the death of the Antrustion, instead of 600, 1,800 solidi would be required, if the body were found hidden under branches or otherwise. The Ripuarian law (Lex Rip.: T. xv.) set the same wergild on the body of a man clandestinely slain and hidden under branches or in a well, "*Quod dicitur mordridus*." The Bavarian law (Lex Baj., T., xviii. 2) gives a like definition: "*Si quis liberum acciderit furtivo modo, et in flumen ejecerit, vel in talem locum ut cadaver redire non quiverit, quod Bajuvarii murdridum dicunt*." The Alemannic law (Lex Alem.: T., xlix. 1) terms the crime "mortundo," and sets nine wergilds upon it; the Frison, "mordritum." But in all, two facts are essential to constitute the crime; the falling upon a man clandestinely, "furtivo modo," and the concealment of the corpse. In a later age, the latter was excluded from the definition. The assize of Jerusalem uses the words: "*Homicide est quant home est tué en apert devant la gent in meslée, meurtre est fait en repos*;" Glanvill (Lib. xiv. 2, 3), "*murdum quod, nullo vidente, nullo sciente, clam perpetratur*." The Sachsenspiegel (Lib. ii. 13; iii. 34) in like manner distinguishes between "morden and doden." But in all the legislative writings of the middle ages, the idea of treachery, the unawares blow, is essential to the crime of murder. Modern legislation has changed the original idea, and introduced into its definition facts not only unessential, but directly opposed to it. There may be many acts of bloodshed—that in a duel, for instance, which it may be expedient to punish with death, but which in the eyes of the ancient mallus, it would be a perversion of language to call murder.

In an age when the free-man trusted more to his own arm than to the law for protection, the wergild of the Antrustion was probably more regarded as a symbol of honour than as a means of personal security. A more important advantage was the constant access to the person of the sovereign, although the Antrustions might hold no official dignity, they would naturally, from their station and connection, become his chief friends and advisers. All places of trust and emolument would be supplied from their body; they would be the chief beneficiaries; and it is scarcely possible to devise an institution more politically calculated to bind, by hope and gratitude, great families to the crown, and not only would all benefices be monopolised by the Antrustions, but they were frequently gratified by grants of alodes out of the fiscal estates, an example of which

is contained in the 14th of the the chartæ regales. This formula, which should be taken in connection with the Antrustion formula, is as follows: "Those who have faithfully served our predecessors, or ourselves, are deservedly raised by our bounty. Wherefore be it known to your greatness (or your valour; these titles remind us of the Byzantine Court) that we, of our own grace, have thought fit to grant to the illustrious such an one the Vill of such a name, situate in such a district, with all its appurtenances, in the same as it was held by the fisc, or has been possessed in modern times. And by the present writing we decree and command that it may stand for ever, that the man aforesaid shall have delivered to him, to be held in perpetuity, the said Vill in complete integrity, with its lands, houses, buildings, coloni, serfs, vineyards, woods, fields, meadows, pastures, waters, and watercourses, with the mills adjacent or appending, and every kind of man belonging to our fisc there dwelling, in entire freedom from any entry of judges to levy fines in any kind of cause, so that he and his heirs may have, hold, and possess the same, *jure proprietario*, to bequeath, or otherwise to dispose of, at pleasure."

This formula is a grant of Alodium. It is fettered by no service, no limitation of time, no condition of any kind. No duties of any kind are annexed to its tenure; but it is conveyed to the grantee and his heirs in as full and ample a manner as an Alodium could be conveyed under Roman law. Had it been the grant of a benefice, the terms would have been different. It would have limited the enjoyment to a specific time, generally to the life of the grantee, or to the pleasure of the grantor. At a later period, the words "beneficium and feudum" acquired a synonymous acceptation, and the grant of a benefice would have specified the feudal duties on which the enjoyment of the land depended. In the days of the Merovingian monarchy the benefice had not assumed its feudal character; it was often attached to an official dignity, and, in that case, was removable, like the office, at pleasure. But there are many grants of benefices extant, which were conferred as rewards for service, to revert to the royal fisc on the death of the beneficiary.

There is a remarkable feature in the present instrument, the clause of "Immunitas," which takes the land out of the jurisdiction of the ordinary court, "*absque ullius introitu judicium.*" This mode of propitiating powerful subjects, by conferring on them powers of judiciary over their own lands, was early adopted by the Frank sovereigns, and, by degrees, extended to all estates, whether beneficiary or alodial, which were possessed by the Antrustions and other dignities; so that in the time of Charlemagne it became

necessary to define these immunities by general regulations, and to defend them by heavy penalties. According to the Capitularies (Cap. Carr. Mag., ii., A.D. 803, c. ii., and Cap. Car. Calv., A.D. 864, c. xviii.) no public functionary could, under a penalty of 600 solidi, hold a court or levy a distress upon such lands; neither could he exact any public duties from the inhabitants, whether free or unfree, and the free, in such a case, could consist only of *Liti* or *coloni*. The lord of the privileged land might lawfully resist the entry of all public officers thereon, and to him, not to his tenants, need the count look for every public duty. It was customary, upon each of these free estates, for the lord to appoint an officer, who, under the title of voght, seneschal or advocate, represented his person, managed his property, and presided in the court of peculiar, which consisted of the voght and free tenantry. This court (voght-thing) was held once or twice a year at the lord's hof (Thing-hof), and adjudicated the various subjects of litigation which arose among the free and unfree inhabitant of the peculiar. The complaint of the inhabitant of peculiar against the inhabitant of non-peculiar land was taken before the Gau-thing, but in case the complaint were the other way, it was referred to the lord for investigation by his voght, and should he neglect to investigate it, it was the lord, and not the party complained of, who was summoned before the mallus. Only in the greater offences, those which involved capital punishment, could the count require the offender to be given up to him, or take him, in case of refusal, by force. (Cap. Car. Calv., A.D. 864, c. xviii.) These communities affected a remarkable change in the old Germanic constitution, inasmuch as they superseded the judicial power of the popular assemblies. For the preponderating power of the senior soon swallowed up the smaller proprietors of free land, who from the condition of possessors of alodia, sank into that of *Liti* or *coloni*. When the lord came to be the sole free proprietor within the boundaries of the Vill, the mark-thing took its independent character and subsided into the voght-thing, while, at the same time, the precept of immunity took the Vill out of the jurisdiction of the Gau-thing. It led the way to the establishment of those independent jurisdictions which characterize the feudal system, and as it raised an aristocracy at the expense of the ancient free proprietor, it contributed, in no small degree, to the foundation of that system.

Another innovation adopted from Roman customs was to dispatch from the court, for objects of special and general inspection, and also in such judicial matters as were deemed sufficiently important, a special functionary, who, under the name of "*Missus Dominicus*," superseded the ordinary courts, and possessed absolute power to

hear, to decide, and to reform. The 20th formula is an example of the appointment of such a Missus for the purpose of hearing a suit concerning an inheritance; and it appears, from the formula, that in such cases the Missus received for the king's fisc the tenth-part of the value of the thing in dispute. It was usual, moreover, for the Missus to be furnished with a kind of passport, called *Tractoria*, which levied, for the benefit of the bearer, a supply, gratis, of all the necessities he might require on his way and during his absence. The *Tractoria* was also given to ambassadors going on their embassy (the 9th and 10th formulæ are letters of credence, only remarkable for their cumbrous forms); to prelates, and other eminent persons, travelling on the king's affairs; and directs the authorities, and all other persons of the towns or districts which had the misfortune to lie in the bearer's way, to supply him with articles, according to a list, in which they are enumerated with minute ingenuity. The formula (the 11th) runs thus: "Such a king to whom it may concern. Since we have thought fit to send, in God's name, such an apostolical man (or such an illustrious person) to certain parts on our affairs, you and every of you are commanded to supply him, at convenient places, with means of transport and hospitable entertainment—that is, with so many post horses; so much white bread, wine, and ale; so many pounds of flesh and bacon; so many hogs, young pigs, lambs, pheasants, fowls, sheep, eggs, and shell-fish; so much honey, vinegar, pepper, balsam, spice, and cinnamon; with dates, nuts, almonds, wax, and salt; with so many measures of beans and herbs, and with torches; and with food for his horses, hay and straw: all these things shall every of you deliver at the customary places, as well as in going, as, in God's name, returning, without fraud or delay, on pain of our displeasure." Such an instrument was probably little oppressive in its actual operation, though it might be vexatious in individual instances. The principle involved in it, however, is of some importance. Anciently, the Frank paid no taxes, but gave only voluntary gifts; and as the *Tractoria* is not confined to the Romans, it is indicative of the gradual undermining of Frank privileges. In later times, the claim conferred by the *Tractoria* to the hospitality of the lieges, appears to have opened door to abuse, for we find, in the *Capitula Missorum H. Ludovici* i. a.d. 817, a tariff of the good things which a Missus, according to his rank, was entitled to demand for his entertainment.

Among the imperial attributes which the Frank sovereign appropriated to themselves, the patronage of the church was not the least important. The conversion of the Franks to Christianity had been late. At the fight of Toul (Türk. *Forschingen*, H

iii. 98), the greatest of all the straits of his adventurous life, "Chlodwig," says Gregory (lib. ii. 30, 31), "beheld his Franks falling around beneath the swords of the Suabians, and lifting up anxious and tearful eyes to heaven, exclaimed—'O Christ Jesus! whom Chlotildis declares to be the son of the eternal God, give me now the victory over this enemy. Let me thus feel the power which men ascribe to thee, and I will believe in thee, and be baptized in thy name. For I have called upon my own gods, and I find that they help me not.' At that very moment the foe wavered, and the victory was won; and Chlodwig proceeded, a new Constantine, to the font." We naturally distrust the conversions which are followed by temporal benefits, and look in vain in Chlodwig's after life for evidences of the influence of Gospel precepts. Bold, cunning beyond the proverbial barbarian measure, steadfast in his objects, and deterred by no scruples in their pursuit, knowing when to yield, but never letting slip the opportunity of revenge, no act of treachery, no cruelty, no crime restrained him in his course, he was too clear-sighted not to see that the profession of Romish doctrines would go far to bind the great body of his Roman subjects to his government, and relieve him from German dependence. In his external relations the advantages were equally evident. The eastern world was sunk in heresy, the Burgundian and Visigoth kingdoms followed the errors of Arius; by embracing the orthodox belief, he stood alone as the Catholic king, and gained the undivided favour and support of the western church. How faithfully these views were verified is shewn by the result. Rome regarded him as her champion, and looked to him as the successor of the Cæsars; nor did the idea of the empire ever leave his thoughts. To restore its boundaries and reinstate its powers, seem to have been the mark of his life. He cast a longing eye over the fair provinces of Burgundy and Provence, and the plea of heresy afforded a ready pretext for encroachment. Death surprised him in the midst of his schemes, and his successors were too feeble to pursue them; but, three centuries later, his plans were realised by another family, and the union of the Frank with Rome laid the foundation of the empire of Charlemagne.

Whether it were policy alone, or motives of a mingled nature, which led to the baptism of Chlodwig, his example was followed by the noble and the great, even on the borders of the Rhine, with the zeal and earnestness which characterises untaught minds. The king and his magnates vied with each other in the foundation of churches and oratories, where clerks spent their lives in prayers for his prosperity. Monasteries, richly endowed with lands and serfs,

wherein, under ghostly superintendence, lay persons, of both sexes, might lead a quiet and religious life, arose in every corner of the kingdom. But though the monk might be a layman, only the presbyter, assisted by his deacons and sub-deacons, could celebrate the divine offices. (Thomassin Eccles. Discip., Pars. 1, L. ii., c. 21, 26, 29, 33.) A presbyter was placed in every church to take the spiritual care of the district around, which, in ecclesiastical language, received the name of "parochia;" while the circuit wherein were administred the episcopal functions of baptism, confirmation, ordination, the consecration of churches and monasteries, of abbots and abbesses, assumed, after the Roman fashion, the name of diocese. The establishment of the church seems to have been complete; yet we find, among the rural population, traces of pagan superstitions and observances long after their open profession had been abandoned. The constitution of Childebert, A.D. 554, forbids the peasant to set up the images of demons in his fields, under the foolish idea of protection, or to resist the priest in his rounds to destroy them. Were these images the old Priapi, the ancient guardians of the orchard and field, or were they some German divinities? I am inclined to believe they were the former, and that they had lingered, even as many a ceremony and superstition of pagan Rome survives, in the Romish ceremonial. And, nearly two hundred years later, a capitulary of Karlman complains that simple men still provoke God and his saints to anger by celebrating Christian mysteries with pagan rites, and forbids the "Nied-fires," the auguries, incantations, and other pagan observances, which were then not uncommon in the kingdom. The woods, the wald, seem to be the natural home of superstition. Perhaps there is something in their loneliness and silence—

"The silence that is in the starry sky,
The sleep that is among the lonely hills,"—

The silence which inevitably disposes the mind to religious and dreamy earnestness, and leads it to people the world with unseen and mysterious beings. The rural inhabitants were everywhere the last to abandon the ancient faith; and the early use of the word "pagan," a villager, to denote an idolater, is no inexpressive indication of the obstinacy with which they clung to their old divinities.

Whatever difficulty might be experienced in the diffusion of Christian doctrines, there was none in establishing the power of the church. Not only Roman titles, but Roman law, Roman ecclesiastical customs, directly opposed in principle to the Germanic, were spread wherever the church acquired land, or could extend its authority. The single judge took the place of the popular assembly,

the secrecy of Romish proceedings superseded the popular inquest; and the canons, the decrees of councils, the decretals, and the Roman civil law constituted the code under which spiritual persons and things were governed. The extension of Roman law and customs among his subjects was far from displeasing to the French monarch. It harmonised with the plan of approximating to the power of his imperial predecessors, and it exercised no small influence in the gradual subversion of the German Folk-constitution, and in the rooting out of the German language. For the services of the church, like every other branch of its economy, were Roman; the litanies in which the people joined, the acclamations with which the kings on solemn festivals were saluted, were Latin, which became the language of law, of literature, and of religion. By degrees the church formed a new power in the constitution of the kingdom, and was favoured to an extent of which imperial times afforded no example. In addition to the ancient privileges of exemption from war and personal service, which the clergy had enjoyed under the empire, new honours and distinctions were conceded, and a higher *wergild* was placed upon the life of a clerk than upon that of a layman. The kings sought to attach the bishops to their court, and persons as fathers and advisers; and we soon find them numbered with the Antrustions, and taking a conspicuous part in the turmoil of worldly business.

Neither was the church ungrateful for this fostering care. It preached, as it was bound, an indiscriminate submission to the temporal ruler, and circulated the doctrine established under the Cæsars, that the king was the vicegerent of the divinity. There was no jealousy between the spiritual and temporal powers. The bishop of Rome at that time occupied too humble a station to prefer claims of universal authority; and the king was looked up to as the head of the Gallican church, the source of its power, and the fountain of its prosperity. The appointment of prelates was virtually in his hands; all temporal immunities relating to church property proceeded from his authority; all monastic privileges conferred by the bishop, even those of a spiritual nature, required his confirmation of their validity. The canons of the church demanded that the bishop should be elected by the clergy and people; even the bishop of Rome was chosen by popular election. The edict of Chlotar professes to confirm the authority of the canons, but practically, and even directly, the appointment of bishops was a branch of royal prerogative. These views respecting the power of the monarch over the church in the seventh century may, to a great extent, be confirmed by Marculfus. The fifth formula is the "*Præceptum de episcopatu*," a precept whereby a bishop is appointed.

The sixth is the "Indiculus," or warrant commanding one bishop to consecrate another. The seventh is the humble petition of the people of a place, supplicating the king to appoint a certain person to be their bishop. The nineteenth is the "Præceptum de clericatu," or warrant authorising an individual to embrace the ecclesiastical profession, without which no one would receive the tonsure.

The "Præceptum de Episcopatu" appears to be addressed to the metropolitan, and sets forth in its exordium, that among the numberless cares which are attendant upon royalty, there is none more urgent than that of providing for the cure of souls, and setting over the people prelates who may edify them, as well by example as by doctrine—"who may so use the talent entrusted to them, both in preaching and living, that they may one day present a spotless flock to the Lord's fold. And since we know that the lord of happy memory, such an one, bishop of such a city, has been called to the divine mercy, so we, after carefully weighing circumstances, and consulting with our peers and prelates thereon, have determined to commit the pontifical dignity in the said city to the illustrious (or venerable) man, such an one, whom we know to be of noble birth, of strict integrity, whose life is alike adorned by purity, prudence, and benevolence. Wherefore, by these presents, we ordain that your industry shall please, in conjunction with other prelates, to whom our letters shall come, to consecrate, as the order requires, the said person, and to publish our will in the usual forms," etc.

The Præceptum amongst the Franks was the writ of the most solemn character. It was signed by the king's own hand, and sealed with his seal, and bore the same kind of authority as the great seal of more recent times. It was used in matters of the highest moment, in the appointment of bishops, and the duties of provinces, and counts of cities and districts, at the same time that the Præceptum for the appointment of a suffragan bishop was sent to the metropolitan. Indiculi-warrants, letters without the seal, were despatched to other prelates, commanding them to join the metropolitan in the consecration. The following is the form of such an Indiculus: "To the reverend lord and father in Christ, such a bishop, the king, we believe it has come to the knowledge of your reverence, that such an one, bishop of such a city, has been called by the divine mercy from the present world. We therefore, having, by the advice of our peers and prelates, determined to commit the pontifical dignity in the said city to such an illustrious man, command that your reverence will confer on the said person, as the order requires, the episcopal benediction, and consecrate him, in conjunction with your fellow prelates, and with the blessing of Christ, bishop of the said city."

The appointment of a bishop was occasionally made in consequence of the representation of the citizens, recommending a certain person on account of his virtues, and requesting that the king would be pleased to appoint him to be their bishop. From this petition it is evident that election by the clergy and people did not exist, but that the appointment was an act of the regal authority. The form of such a petition is called by Marculfus "*Concessio civium pro Episcopatu*;" the seventh is an example. It begins—"To the most pious and excellent lord, such a king, the representation of his servants, whose signatures or marks are subscribed beneath;" and after a compliment to the royal wisdom in making such appointments as are declared by common consent to be for the good of the church, proceeds, "since such a reverend man of holy memory, bishop of the city, has, in the course of nature, departed this life, we humbly beg, lest the sheep be without a shepherd, that you would be pleased to institute in his stead, as his successor in the episcopal office, the illustrious man, such an one, a person of free birth, high endowments, elegant learning, whose chastity is constant and whose charity is abundant."

The "*Præceptum de Clericatu*" affords another evidence of the subservience of the ecclesiastical to the regal power. For no person could enter the church until he had taken out the king's license for that purpose. No bishop would ordain him, no church would receive him, unless he exhibited his *Præceptum*; and before a man could obtain ordination, it was also necessary that he should procure a certificate of free birth, for a "*servus*" could not stand before the altar, and, I think, no "*libertus*." There were also difficulties in the way of a *Litus* or *Colonus* entering the church, which related to the poll-tax registers, though he was not excluded in consequence of birth. It is certain that numbers of clergymen were *Liti*, though even a "*puer regis*" was excluded from the episcopal order. None but men of noble birth could receive episcopal consecration. If the aspirant for holy orders were a monk, and was required to serve the church of his monastery, the certificate would be given by the abbot and brotherhood. If he preferred the duties of the secular clergy, his certificate would be signed by his fellow-citizens. The nineteenth of the *chartæ regales* is the formula of a "*Præceptum de Clericatu*." "If we refuse not our license to those who desire to take upon themselves the burden of the priesthood, we trust to the Lord, the retributor, inasmuch as it is written, '*Noli prohibere benefacere ei qui potest si vales, et ipse benefac*:'" wherefore such an one coming to our presence, has petitioned our serenity to grant him our license to devote the hair of his head to the clerical office, and to serve in such a church or monastery, which

we, in the name of the Lord, have willingly granted. We command, therefore, that provided the aforesaid, such an one, is of free birth and not registered in the cadastre, he shall have license to shave the hair of his head, and serve in the said church, or monastery, where he may constantly pray for the Lord's mercy upon us."

If the preceding formula take away all doubt respecting the power of the crown in ecclesiastical appointments, the following ones will also prove that no monastic privileges were valid until they had received the regal sanction. The 1st and 2nd of Marculfus, which relate to monastic immunities, must be taken in connection. The first is the grant by the bishop of ecclesiastical privileges to the abbot and community; the second is the royal confirmation of the grant. The first formula, after reciting the usual motives for monastic foundations, and limiting the community to the ancient order sanctioned by popes and kings, proceeds to enumerate the privileges and immunities granted to the monastery. By one of them the bishop engages to admit into holy orders, without fee, whomsoever of the congregation, by the unanimous choice of the abbot and his brethren, to minister the holy offices. And in the same way, whenever the abbot, by the divine dispensation, shall be called to the Lord, the bishop promises to appoint and consecrate as abbot him whom the choice of the monks shall present to him as most worthy in life and conversation. "And no power," it proceeds, "shall be exercised by us, or by the bishops our successors, or by our archdeacons, or other ordinaries over the monastery, its lands, goods, affairs, or appointments, or over the vills given, or which royal munificence or private bounty shall hereafter give. Neither shall the books and ornaments offered by God-fearing men upon the altar, for the worthier celebration of divine service, be taken away; nor shall we, nor any of us aforesaid, approach the sanctuary, or the limits of the monastery, save on the invitation of the abbot and congregation. And if the said bishop shall, at their request, and for their comfort, enter to perform divine service, he shall return to his house, without requisition, so soon as the holy mysteries are finished and the benediction given; that in all times the monks may enjoy peace in the Lord, and living under holy rule, and leading the lives of the blessed saints, they may the better pray for the good of the church, and the welfare of the king and his dominions." It goes on to provide that transgressing monks shall be corrected by their own abbot, according to their order, and cuts off for three years from the communion of the faithful all who shall infringe this privilege.

This Privilegium sufficiently shows the nature of the immunities conferred on the monastic orders by the piety of the seventh

century, but it was inefficacious until the *Concessio Regis* had given it the necessary validity. In every case it was necessary to secure the royal sanction before the episcopal *Privilegium* obtained authority, or the bishop would venture on its emission. The *Concessio Regis* (the second formula of Marculfus) is addressed:—"To such and such apostolical men, to the illustrious man, such a count, and to all other officers present and future." It contains an exordium upon the duty of kings to provide for the peace of the servants of God, and reciting the fact of the foundation of the monastery upon the fisc or private land by such a bishop, abbot, or illustrious person, and stating that an abbot and community of monks was already established there, confirms the *Privilegium* of the bishop, clause by clause, as well as the enjoyment of the villas and mancipii, effects and persons, with which it has been endowed. It grants full immunity from the jurisdiction of the temporal judge, and releases the fines due to the royal fisc:—"Whatever our fisc should receive from their men—whether free or serfs—dwelling on the land, that will we shall be expended, both in our time and in that of succeeding kings, in lights for the sanctuary, or in the stipend of the Saints of God, that the monks may continually pray the boundless mercy of the Lord, for the welfare of the king and his people."

The church appears to have lost little time in securing to itself the same charters of Immunity which, in the first instance, had been granted to the temporal proprietor; for, so early as the middle of the sixth century, we find royal diplomata which contain the clause of "*Immunitas*." The third of the *chartæ regales* is a form whereby the *Immunitas* is fully conferred. It is addressed to the royal authorities, and recites that the king, on the petition of such a bishop, and in the hope of a recompense in heaven, had granted the privilege that on the lands of such a church no public judge, in future, should presume to enter, either to hold courts or to levy fines; but that the said bishop, by title of complete immunity, should exercise entire jurisdiction within their boundary:—"Wherefore we straitly command that neither you, nor your officers, nor your successors, nor any public judicial authority whatever, shall enter on the villas of the said church, in whatever part of the kingdom they may have been, or shall be planted, either to hear suits, or to levy the fines arising therefrom, or presume to take house, living, or *fidejussor*; and whatever the fisc ought to receive of freemen, serfs, or other people, dwelling within the limits or upon the lands of the said church, whether from fines or tribute, that shall be expended for ever, by the hands of its own servants, in lights for the church and for our own salvation."

Scarcely a monastery was founded in the latter part of the sixth and in the following centuries which was not favoured with its Charter of Immunity ; and, as episcopal lands acquired the same privilege, the whole of the possessions of the church were subtracted from the jurisdiction of the law. In the same manner as the temporal lord appointed his vogt, each church had its especial officer, who, in ecclesiastical phraseology, was known by the name of advocate. The advocate, who was always a layman, presided in the peculiar court, and represented the abbot, or the bishop, upon all legal occasions. It was also his duty to lead the vassals of the church, whenever they were called upon to take arms. Sometimes, however, the fathers of the church—especially when barbarians by nation—could not resist the temptations of martial enterprise, and many instances of their prowess are recorded by the ancient writers. Gregory speaks with condemnation of two warlike bishops :—"In this battle," he says, describing the battle with the Lombards, near Embrun, A.D. 572, "were present Salonius and Sagittarius, brothers and bishops, who, bearing not the cross of Christ, but mailed and armed with lance and sword, are reported to have slain many of the enemy with their own hands."

CHAPTER III.

Of the King's Court.

As the preceding formulæ relate to the creative or dispensing power of the sovereign, they may be said more particularly to pertain to the prerogative. The class which follows belongs to the proceedings of the king's court. It comprises the formulæ for the judicial acts of the court, charters proceeding from the royal authority of the king, acts which the law required to be done in his presence, and writs issued from his court in the ordinary course of law. Of the first division is the "Prologus de Regis iudicio," which is the 25th of the chartæ regales. This prologue is only important as it shews of what persons the king's court was constituted. After an unquestionable proposition respecting the heavy responsibility to do justice, which lies upon those to whom God has committed the government of the people, it proceeds to state that the king sits in his court "with the lords and fathers, such and such bishops, such optimates, such referendaries, such domestics, seneschals, and chamberlains, and with the mayor of the palace such an one, to judge by a righteous judgment the causes brought before him." From this it appears that the court was composed of the bishops and Antrustions, of the officers of the king's house, and, above all, of the mayor of the palace, who, in time, like Aaron's rod, swallowed up all the others. This officer at first presided over the court in the king's absence, soon occupied alone his seat of justice, and eventually exercised all the powers of the crown. The origin of the office is obscure; but the beginning of its vast powers dates from 622, when Chlotar II. was compelled by the magnates to give Austrasia to his son Dagobert, under whose name Pepin Von Landen ruled with almost regal authority. The accession of

Dagobert to the whole realm extended the influence of Pepin over Neustria; but after his death a new partition of the kingdom led to a new division of dignities; and we find mayors of the palace, both in Neustria and Austrasia. Then came the period of horrors; the kingdom was wasted by the broils of the contending mayors, who made the names of the Merovingians mere watchwords for their parties. (Fred. Chron., xcvi. 100; Gesta Franc., xlv. 46; Vita S. Leodegardi ap. Bouquet T. ii.) The crimes of Ebroin, the Neustrian mayor, united the whole Frank people against him, and the battle of Testri, in 687, conferred undivided power on Pepin of Heristall, the grandson of the elder Pepin. Pepin of Heristall then took the title of Dux et Princeps Francorum. From the time of his ascendancy the Merovingian princes sank rapidly in popular estimation; one shadow silently followed another into oblivion. At length Pipin, the grandson of Pepin von Heristall, and the father of Charlemagne, ventured to add the title to the realities of sovereignty, and the last of the house of Chlodwig vanished in the obscurity of the cloister. So it is that evenhanded justice commends the poisoned chalice to our own lips; no seed is sown which is not followed by its natural fruit; no wrong committed which does not bring forth its harvest of retribution. The schemes of Chlodwig to build up an aristocracy on the ruins of the German folk-constitution brought down the edifice upon the heads of his posterity, who suffered the last degradation that can touch ambition; they lived to endure the compassion of the conqueror, and passed from the world almost without observation, and altogether without regret.

Among the royal charters, that of Mundeburde, the 24th of Marculfus, by virtue of which the bishop of a city or the abbot of a monastery is received into the Mund, or protection of the king, is remarkable. Its effect was to afford a kind of general protection, and to transfer suits in important matters from the provincial court to the hearing of the king or mayor of the palace. The applicants for the Mundeburde seem to have been spiritual persons, and the occasion of the application the avoidance of strife with the powerful laymen in the vicinity. The grant of the Mundeburde is in the following terms: "Your greatness (or your utilitas) shall know that, on account of the vexations of evil men, we have received into our Mund the apostolical or venerable man, of such a city or monastery, together with all his effects, men, gasindi, or friends, that he may quietly live under the Mundeburde of the illustrious mayor of our palace; and under him shall the illustrious man such an one be allowed to prosecute the causes of the said bishop, abbot, church, or monastery, whether in the Gau-court or

the palace. Wherefore, by the present precept, we enjoin and command that the bishop or abbot aforesaid shall dwell in peace by virtue of our charter, and under the Mundeburde of the said mayor. And neither you, nor your officers, shall presume to injure or molest him by any kind of inquisitions. And if any suits against him, or his following, shall arise which cannot be decided in the Gau-court without great charge, let them be reserved for our special hearing."

The Mund, in its earliest and simplest form, was that strong legal right, by virtue of which the head of a family held every individual member of it under his power and protection. Within this circle his authority was absolute. (Leg. Rip., xxix.; Leg. Cnute (Wilkins), xxviii.; Leg. Edouardi, xxvii.) He might punish, sell, or even put to death, wife, children or servants, and dispose at pleasure of anything they might acquire. Against a third party he represented all his dependants, and exacted compensation for any injury done to them, as if it had been done to himself. This seems to be the essence of the Mund, so far as related to the public, and may serve to cast light over the motive of the Mundeburde connection. The persons who are received into it became, as it were, a part of the family of the king or mayor of the palace; and it was with them that their adversaries would have to do. The earliest diplomata and charters of the Merovingian sovereigns relate to the Mund. Not to insist upon that of Chlodwig to the monastery of Reims so early as the year 396, which seems suspicious, we find one of Chlotar to the same house, A.D. 516; one of Childbert, A.D. 528, to the abbey of St. Calais; and, in fact, similar charters to various religious houses from most of the French kings. In the year 723 Bonifacius, the German apostle, being about to preach the gospel to the yet unconverted people of Germany, was recommended, by Pope Gregory II., to Karl Martell, the mayor of the palace, and received from him a charter of Mundeburde, which is remarkable for containing the clause, "*ea ratione, ut justitiam reddat, et justitiam faciat et recipiat.*" The nature of the Mund would change in some particulars in the course of centuries; but still we find the original idea. To revert to the early Mund; the daughter continued in the Mund of her father until she entered into that of her husband. The son was released from it when arms were delivered to him, and he was declared a Were in the mallus. When the father died the Mund of the family, with the land, serfs, and arms, descended to the eldest son. If he were a minor, or if there were no son, it devolved on the nearest kinsman by the father's side. (Lex Sal., vii. 2; Lex Wisigoth., iv. 3, 3; Lex Ang. et Wering., vi.) Nor could the latter renounce the charge,

which involved the prosecution and composition of all feuds, except he appeared in the mallus before the Tunganus, and breaking over his head four alder wands into four parts, and, throwing them down before the people, declared that he renounced the jurisdiction, the succession, and the race. In that case, should any of the renounced family die, or be slain, neither succession or wergild came to him; and, in like manner, if he himself were slain, his wergild would go not to the heirs whom he had renounced, but, if there were no other, to the fisc. The guardian who took the Mund was termed in the old German, "Munporo" or "Foramunto;" in the Anglo-Saxon, Mund-borá, in the Lombard law, "Mundualdus." A faithless guardian among the Franks was called "Palomunto." Even so late as the Sacherspiegel, we find "Balemunden" used in a similar sense.

There are some curious philological considerations connected with the word "Mund." It is found in the sense of protection, both in the old Alemannic and the Anglo-Saxon dialects, but it has slipped out of the modern German and English, in its simple form, unless we take the English "mound" to represent it. As a compound it occurs in the German Vormund, and the Scandinavian languages supply compounds of the same character. Some German authorities have derived Vormund from mund, the mouth, a masculine noun, so that the members of a family might be said to be "in ore, in sermone" of the person who was responsible for them. But I agree with Grimm (447) in referring the word to "mund," a hand, a word which, although lost in modern German, appears in the Icelandic and the Anglo-Saxon, and in both is a feminine noun. Mund in the Anglo-Saxon, a feminine noun, signifies also protection, and mund-bora, a guardian. They must be derived from mund, a hand; for the Anglo-Saxon name for the mouth is *Mud*, a masculine. Thus, according to the old German law, a woman was said to be "in munti"—in maun, of her husband in the same sense as the Roman *materfamilias*.

It is a principle repeatedly asserted in the formula, that whatever is done by the king's hand, or in his presence, is affirmed in the most solemn manner which the law admits, and acquires a character of inviolability. Of the manumission of serfs "per denarium" I will speak hereafter, but with respect to the alienation of land it was customary, in important cases, that the transfer should be made, according to certain forms, before the king. The most remarkable formula for transactions of this nature is the "*Præceptum de læsiwerpe per manum regis*," which is the 18th of the chartæ regales. After the usual prefix respecting the inviolability of things done by the king's hand, it recites, "that the faithful subject A coming to our court,

had of his own free will, in our presence, and in the presence of our peers, læsirwirped or given to us, by a straw, vills of such and such names, situated in such a district, on the condition that he shall possess the same during his natural life, and after his decease the said vills be granted by our free grace to our faithful subject B. Wherefore by this present precept we decree, that inasmuch as the said A has voluntarily læsowerped to us the vills in the above-written places, and the same have been granted by us to B aforesaid, according to the intention of A, so shall A enjoy as usufruct, lands, houses, buildings, coloni, serfs, vineyards, woods, fields, meadows, pastures, waters and water-courses, and whatever else there is, to the full extent of his right therein, without any diminution; and after his decease shall B aforesaid have, hold, and possess the same, with power to leave them to his heirs, or to alienate them to others."

Recourse seems to have been had to the Læsowerp in cases wherein a man desired to alienate land from his heirs to a certain individual without any legal consideration, with the intention that by this solemn act all future litigation might be prevented. The Salic law (Lex Sal. T. 49) minutely prescribes the forms to be observed in such a case. First, "the alienator appears in the mallus before the Tunginus, and calling the man to whom he wishes the land to go, throws a straw into his breast, and declares to him how much of the land he intends he shall possess. He into whose breast the straw has been cast, must afterwards remain in the house of the alienator, taking with him three guests (witnesses), and over so much of the property as is given shall he have control. Afterwards must the man to whom the land is given establish these things by his witnesses, and then before the king, or the lawful mallus, shall the straw be given and received. It is remarked by Grimm (D. R. Alt., 122) that all three proceedings, the first straw-cast, the entertainment of the guests in the house, and the second straw-throw before the king, were all, in order to ensure publicity, to be done in the presence of witnesses, who might depose to the facts, in case they should be disputed by the heirs of the alienator. The straw, according to the Salic law, is thrown into the breast of the recipient of the lands, the formula directs it to be thrown into that of the king. But that seems to be only to insure a greater degree of security. The grantee conveys his land to the king, who again grants it to the grantee; and there would be little prospect of success in litigation about an act which had been done by the king's own hand.

The straw-throw mentioned in the preceding formula naturally leads to the consideration of the symbols which accompanied the transfer of land. Earth, dust, grass, water, the twig of a tree, or

the straw of a blade of corn, have been almost universally, in rude times, taken as emblems of land, and as expressive of dominion over it. In the morning-land slaves presented earth and water to their lord: *δεσπότη τῷ σω δῶρα φέρων γῆν τε καὶ ὕδωρ* (Herod., iv. 126), and the messenger of Arpad, in the old lay of the Hungarian invasion, fills a flask with Danube water, cuts a turf, and carries them to Arpad, who receives them as symbols of sovereignty over the land. In the Roman "vindicatio," when the subject of litigation was a piece of land, a turf was brought into court, by means of which the fictitious ceremony of ejection was completed. Among the Gothic peoples, to give earth, a straw, or a twig, was an emblem of parting with the possession, to receive them was the symbol of the acquisition, of land; so in the judicial formula relative to its alienation, the delivery of one of these symbols was essential to the validity of the transaction. Among the Germans the manner of completing a sale was by the delivery of a straw, a twig, or a little turf in the mallus. In the innumerable contracts which are extant upon this subject, such words as the following are never wanting: "*Tradere per herbam, vel terram cum cespite*," "*cum cespite firmiter tradidit*," or "*cum terræ cespite et virido ramo arboris*," or "*per wasonem terræ et ramum arborum*;"—"bei wasen und bei zevi"—"*mit ener grönen soden, als in den lande recht is*." In the Saxon and low Dutch forms the word "torf" takes the place of "wasen;" *hêles londes and grênes turvis*—in *torve*, in *twige*—*Torf* and *Zweig*—"by turf and turg"—a form of land livery not altogether obsolete in the present day. Among the Goths of Sweden (*Stiernhök de jure Suevonum*, lib. ii. c. 5), the symbol of delivery was a little dust cast into the bosom of the purchaser. "*Particulam ex terra venali in sinum emptoris excutiebat, in signum simul totam tradi*."

Earth or grass were symbols used in ancient times in many solemnities. The league betwixt Rome and Alba was sanctified, according to the remarkable account of Livius (i. 24), by pure grass: *Fecialis regem Tullum ita rogavit: Jubesne me, Rex, cum patre patrato populi albani fœdus ferire? Jubente rex, sagmina, inquit, te Rex posco. Rex ait: puram tollito. Fecialis ex arce graminis herbam puram attulit*." We learn from Plinius (*Hist. Nat.*, xxii. 4) that it was a token of victory when the vanquished offered grass to the victor. Reference to the same custom is also made by Festus: "*Herbam do cum ait Plautus, victum me fateor, quod est antiquæ et pastoralis vitæ indicium; nam qui in prato, aut viribus contendebant, cum superati essent, ex eo solo in quo certamen erat, decerptam herbam adversario tradebant*." Doubtless the origin of the delivery of grass is to be referred to the conquest of the land, when the conquered presented turf as an emblem of its resignation. Bishop

Ditmar of Mersburg, who died in the beginning of the 11th century, describing the infidel Lusatians, says that when vanquished, "*pacem abrasso crine supremo, et cum gramine datisque affirmant dextris.*" In the same spirit it was usual for the bankrupt Frank to cast away a little of the dust of his floor in token that he renounced house and home and became a fugitive. The expression in the scriptures, "shake off the dust from thy feet," may have reference to this almost universal symbol.

Among the Franks of the time of Marculfus the symbol most commonly made use of in legal formalities was the straw of a blade of corn—*festuca*, which, in cases of the sale or alienation of land, was thrown into the bosom of the purchaser "*in laisum fistuca jactavit.*" The earliest reference to the *fistuca* is to be found in the Salic law above quoted, but it occurs in numberless instances of contracts down to the sixteenth century. Like the earth and grass of earlier times, the straw symbol appears to have acquired an extended application. Sometimes it denoted the confirmation or renunciation of an engagement; sometimes it accompanied an oath. In a placitum of Chlodwig III., A.D. 691, we find the expression in speaking of one Chunibrechtus: "*Quod et ita per fistuca visus est achtraumissi.*" (Boquet iv. 74.) Charles the Simple was deposed by the symbol of a straw-throw: "*Proceres congregati in campo more solito ad tractandum de publica regni utilitate, unanimi consilio, pro eo, quod ignavæ mentis erat idem rex, festucas manibus projicientes, rejecerunt eum ne esset eis ultra Senior.*" (Ademar Cabaneus, p. 164.) According to Marculfus, a man committed an affair to an attorney by the delivery of a straw, or admitted by the same symbol that a feud for homicide was composed. The Riparian law directs a master to give security for the appearance of his serf before justice by the delivery of a straw; and, in fact, the straw meets us on almost every occasion of legal or private business. The straw still retains in Germany its emblematic authority as a symbol of possession. During the vintage the walks among the *weinbergs* are forbidden by the hanging up of a wisp of straw upon a stake or tree. The same emblem is also used as a notification that the fruit or ground is for sale. The use of the straw-wisp as a symbol of sale, especially of the sale of horses, is ancient and universal among people of German race. In England horses are still led to market decorated with a few blades of straw; and in Germany, in the middle ages, as we learn from an old poem, it was usual to bind on the horses' head—

"Einen wisch mit strouwe,
Darumb daz man echouwe,
Daz man sie verkoufen wil."

Notwithstanding the inviolability assumed in the regal charters respecting every thing done by the sovereign, it appears to have been customary for the possessors of land by royal grant to apply for repeated confirmations. Accordingly there is no want in Marculfus of charters of confirmation. The thirty-first states, "that such an illustrious person had exhibited the charters of preceding kings, by which certain villis had been granted by them to his forefathers; and prayed that he might be confirmed in the possession of the same, as well as in that of his other property. It confirms to him whatever he derived from his parents, whether it came originally from his royal munificence, or be justly his by title of any other description." This confirmatory proceeding seems to be analogous in principle to the "*Inspeximus*," which we so often find in the charters of English corporations. The thirty-fifth formula is a similar general confirmation of all the property of a monastery. The thirty-sixth recites, "That such an apostolical man, bishop of such a city (or such a venerable abbot, or such an abbes, consecrated to God in such a monastery), having represented to us by petition, that he or his predecessors had acquired, of various vendors for money paid, lands and municipia within the limits of our kingdom, or which faithful men, for the weal of their souls, had bequeathed, and which at the present time appear to be lawfully in his possession, prays that, since many benefactors or vendors have fallen in the slaughter which rages in the land, or have departed in the course of nature, in order to defeat the devices of evil-disposed men, he, or his advocate, may have license, in case he is troubled about his property, to follow his causes '*in vice auctorum*.'" This appears to be a case wherein the title was defective, either originally so, or from accident. The disorders of the kingdom, and the insecurity of person and property, are often set forth as the cause of defective titles in the application for confirmations. The thirty-third formula is a precept of confirmation in favour of one whose house had been sacked, and whose title-deeds had been burnt by the king's or the enemy's army. After reciting that such a faithful man had represented to our clemency that, last year (or such a time), our army, or the army of such a king, had burnt his house with fire, and that the title-deeds, of whatever he possessed, whether by royal grant, purchase, donation, cession, exchange, or descent, were then consumed. Wherefore, this being confirmed by the hands of good men, as it was known to them, and further represented that, from the time the deeds perished, the petitioner has peaceably been in possession of the said property, but still, from the desire of security, prays that the said property might be confirmed to him by our authority, know all men that we have granted and allowed

this petition, and command that whatsoever such an one had, in lands, houses, buildings, coloni, serfs, vineyards, woods, fields, meadows, waters and watercourses, or whatever else which we know from the relation of the aforesaid men was justly and reasonably his, shall the said man, by virtue of this precept, hold and possess, in God's name, without disturbance or recovery; and shall leave the same to his heirs, or to whom he will, in God's name." The following formula is the representation of the above-mentioned good men, and is entitled "*Relatio Pagensium*." Quaint and whimsical in its terms, it appears to be the work of some village scribe; but it is not without value, as an illustration of the law and the violence of the times. It is addressed "to such a most pious and excellent king, or mayor of the palace, the representation of your servants dwelling in such and such villages, whose marks or signatures are beneath," and states that almost their whole neighbourhood had been wasted by armies, the houses of many burnt, and their effects carried away—"among which sufferers your servant, such an one, has sustained no little loss and destruction of his property, and the title-deeds of the lands which he, or his fathers held, as well from royal bounty as by purchase &c., have been consumed by fire, together with his house; wherefore has he besought nostram parvitatem. That which we truly know respecting it, we would represent by this our attestation to your clemency, which your servants have ventured to do, &c." In the anonymous formulæ printed by Bouquet, as an appendix to Marculfus, the making good destroyed charters is called "Apennis." (Marc App., xlvi; Tom. Simond. xxvii. 28, and 31, 32, 33.) From Marculfus it might be inferred, that the patent of confirmation was an act of royal favour, but from the forty-sixth of the appendix we find that it was not of favour, but of right; and that it might be applied for in the ordinary Gau-thing, even in cases when the destruction had been accidental. This formula is more minute in detailing the motive, case, and form of proceeding than Marculfus. It is in the following terms:—"It is the Roman law and agreeable to reason, that he whose house is burned with fire should receive a charter of restitution, which is called "Apennis." And, whereas, on such a day, the illustrious man such a count sat with many good men to hear causes and give judgement, and there came a certain man, named so-and-so, and represented that, on a certain day, his house, with all his effects and title-deeds, had been, by accident, destroyed by fire, and inasmuch as the Dorf-Graf and men of the village appeared before the court and testified that they had been present at the thing, and it was so, the aforesaid court and the Franks decided, that a charter of Apennis should be conceded, by

virtue of which, whatever he possessed, whether by descent, purchase, etc., shall continue, without impeachment, in his possession." The whole proceeding prescribed by this formula, notwithstanding its reference to Roman law, is strictly in accordance with Germanic principles. The Dorf-Graf, or centenary, with certain neighbours, appeared, in person, in the mallus, and testified their knowledge; and the case was decided by the count and Rachinburgers present. It is in the nature of the thing, however, that royal charters could only be replaced by the royal authority.

The thirty-second formula prescribes an example of another kind of quietus which the insecurity of the times would often render necessary. This is the precept of security granted by the king to him who, at his command, or in his service, had slain any one in open arms against him. The laws of all nations would justify the slaying of a man in open rebellion, but the crime of rebellion did not, at that period, admit of the exact definition which it received later, inasmuch as the order of succession to the throne was undefined, and hereditary right extended only to the Merovingian blood, the choice of the individual remaining with the people. Setting these considerations aside, and supposing there to be no dispute about the rebellion, still if a man were slain, under any circumstances whatever, the feud would remain, and the slayer would be exposed to the vengeance of the family, unless it were composed according to the legal forms. The manner of legally composing a feud for homicide was for the perpetrator to appear voluntarily in the mallus, when the wergild and fredum were assessed by the assembly, according to law. If he did not appear, the son, or nearest relative, of the slain had the choice of two courses of proceeding; he might either make it a feud and follow the culprit, with kin and dependants, in arms, until they had slain him, or compelled satisfaction, or he might summon him before the mallus. In case the summons was disregarded, the defendant was outlawed; placed "*extra sermonem*," declared *friedlos*, and became a "*freidlos man*." No one, not even his wife, might give him a morsel of bread, or a night's shelter; and then arose a new right of feud, and the complainant had a right to pursue him "far as the heavens are blue, and the sun shines; far as wind blows, and cock crows; as grass grows, and waters flow to the sea." The law afforded such a man no protection; there was neither wergild upon his life, nor was it a breach of the peace to slay him. "*Echtlos, richtlos, friedlos, ehrlos, sciberlos, and leiblos*," he shall be deemed henceforth unworthy; he shall enjoy no kind of right; and no freedom shall he have, either within bay or town, save in sanctuary. (Grimm D. R. Alt., xxxix. 42; Bodman R. A. 2. Th. 616. 19.) And if the man appeared upon the summons,

and yet from inability, or other causes, delayed to pay the appointed composition, the Graf seized upon his property, moveable and immoveable, and if that were insufficient, his relations, in the time of the Chrenecruda, were called upon to make good the deficiency. The Chrenecruda is one of the most singular provisions of the Salic law, and seems to afford vestiges of a natural or family free-born of a far more ancient date than the political free-born of the Anglo-Saxons. It enacts:—"If a man slays another, and has not the means wherewith to satisfy the law, he shall swear, by twelve jurators, that neither above ground nor below does he possess more than he has given up—then shall he enter into his house, and gather dust into his hand from the four corners thereof, and stand upon the threshold, and look into the house, and so, with his left hand over his shoulder, cast it upon his nearest kin, and then, in his shirt, without shoes, a rod in his hand, shall he leap over the hedge." By throwing the dust he renounced his house, by divesting himself of clothing he showed he no longer possessed anything, the rod was the symbol of bondage, and he leaped over the hedge, because the door was no longer open to him. The persons upon whom the dust was thrown were bound in the order of relationship to satisfy the law. If the property too was insufficient, and no friend came forward to help, the delinquent became the slave of the complainant, and life or death depended on his mercy. The Chrenecruda was abolished by the decree of Childerbart, dated Andernach, Kal. Marct 595, on the ground that it was of pagan origin, and had occasioned the ruin of many families. The abolition of the Chrenecruda, however, affected only the relations of the homicide; the legal consequences to himself remained the same, and the object and effect of the 52nd formula was to protect the object of it from consequences of this nature, and from the feud which would arise from the family of the deceased. The formula comprehends, in its operation, not only the man himself, but all his companions and servants who were present, and declares them to have acted not from private malice, but by the king's authority, at the advice of the faithful seniors. It revokes too all grants of benefices to the deceased, and recalls them to the royal fisc, forbids all courts to entertain any plea respecting his death, and bars all claim for loss and reparation. This exercise of authority which was law in the time of Marculfus, could not have been allowed under the pure German constitution.

When the legal composition for homicide was paid, the feud ceased, and there could be no further pursuit on the part of the dead man's family. From several ancient formulæ (Marc. App., li.; Form. Sirmond., xxxix. and 5, 26, 38, 43; Lindenb., 124) it

appears to have been customary, when the composition was paid, for the recipient to give a written acquittal for the money, which also contained an acknowledgment that the feud was ended, and imposed a penalty for its revival. And it was no uncommon practice, in Marculfus's day, for the parties, through the intervention of friends, to come to a private arrangement, when a similar written agreement was drawn up, containing the clauses of admission and penalty. Though the understanding might be come to privately, the instrument itself was executed publicly in the *mallus*, and the penalty clause is always "*cum cogente fisco*." The eighteenth of the *chartæ pagenses* is the form of a receipt of this kind, curious for its expression, and for the light it throws over the whole proceedings. It is addressed "To my lord and brother, A. J. B.," and goes on "Since, at the instigation of the devil, thou hast slain, contrary to law, our brother C, and hast thereby incurred risk of life; since, through the intervention of the holy clerks and magnificent persons whose names are underwritten, we have consented to an agreement of peace touching his death, on the condition that thou shouldest pay to us, as compensation, so many *solidi*, in *pagalia*, which I hereby acknowledge to have been paid down by thy surety; therefore have I, by a straw against thee thrown, werped away that feud. And, in accordance with the said agreement, I have written this letter of security to thee, that, on account of the death of my kinsman, thou shalt not fear that further demands or claims of reparation, either by me, my heirs, or his, or by judicial authority, or by any one in any case, shall henceforth be made upon thee, but thou shalt be wholly and absolutely released. And if I, or any of my heirs, or any other person, shall trouble thee on this account, I consent to forfeit, "*cogente fisco*," double what thou hast paid me."

A person absent on the public service, frequently received a "*Charta de causâ suspensâ*," by virtue of which all processes in the courts, whether against him or his dependants, were stayed until his return. There seems nothing very unreasonable in this limited interference with the course of the law, though it might open the door to abuse; and, in fact, we find in other countries that a similar dispensing power was a branch of the prerogative, and existed without the same limitation or the same plea of necessity. In England, during the reigns of the Norman and early Plantagenet sovereigns, it was not unusual for the king to sell charters of suspension for money. The twenty-third formula of Marculfus, which is a charter of suspension, declares the motive of its concession, and limits its operation to the term of absence on the public service; but the annals of the exchequer present many instances in

which no motive beyond the payment of the money is alleged, and no period of time is assigned as its term. Justice was not only delayed, but defeated by corruption. The clause of the formula which includes in its operation not only the dignitary himself, but all his followers and dependants, seems singular; but it is strictly constitutional; for those persons were in the mundium of their patron, he alone was responsible for them, and to him alone would the applications of justice be addressed. The principle is common to the legislation of all Gothic monarchies; by the laws of Cnut (Leg. Cnuti, xxviii.), it is provided that every lord shall have his *familia* (family includes all kinds of dependants) *in proprio plegio suo*, that if any of them were accused of aught, he might answer, according to law, to the Hundred.

Among the judicial formulæ belonging to the king's court, we find an "*Indiculus commonitorius*" (the twenty-sixth formula) summoning a bishop to answer the complaint of an individual respecting a vill, alleged to be unjustly detained from the complainant. There is also one (the twenty-seventh) directing a bishop to investigate a charge preferred against a clerk, or servant, of forcibly taking away a serf, the property of the complainant. The twenty-eighth is a similar order to a Count to do justice in the case of a forcible entry of land committed by one of his dependants. The two last formulæ, I apprehend, relate to the private courts already spoken of, inasmuch as, in both cases, the plaintiffs state that they cannot obtain justice. It would too often happen that, from the natural favour with which the lord of a vill would regard his immediate dependants, it would be difficult for the owners of small alodia within its limits to obtain satisfaction for their encroachments at his hands. In such a case, if the complainant were a man of substance, or had powerful protectors, he would appeal to the king's court for redress; but, if it were not so, the appeal, from its expense and difficulty, would be almost hopeless, and would still leave him at the mercy of a powerful neighbour, who might render his house uninhabitable, and existence scarcely supportable. In fact, during the period betwixt the sixth century and the full establishment of the feudal system, the alodia seem almost entirely to have disappeared. The proprietors of small estates had found it safer and more profitable to secure the protection of a lord by holding their land of him in fee, than, for the sake of keeping up a visionary independence, to expose themselves to the injuries of a powerful adversary. Some sold as they could; some resigned their land into the hands of lords, taking it again as a fief, under the condition of military or other services, of which the variety was great, and the distinctions nicely defined. A more favourite course,

when local circumstances permitted, was to hold their lands of an ecclesiastical superior. The feudal character was the same in both instances, but the latter carried with it, in the eyes of the alienators, a certain degree of religious merit, and the service of the church was usually an easy service.

An example of the little things which sometimes occupied the time of the king's court is presented by the twenty-ninth formula of Marculfus. It is a summons to an individual to appear and answer the charge of another, who complained that the accused, without cause, had assailed him on the highway, sorely bruised him, and taken from him a garment worth so many solidi. The summons in this, and in the preceding twenty-seventh and twenty-eighth formulæ, is in the same words, and in each of them the defendant is required to produce fidejussors. The thirty-seventh formula is the "*Judicium evinditiale*" in a case of assault and robbery, wherein the defendant had not appeared. This is purely Germanic in its character. It is directed to the court of the district, and states "that A, one of your pagenses, had appeared in our court, and set forth that B had assaulted him, sorely bruised him, and taken his cloak, worth so much; and that fidejussors, according to law, had been given to you for his and their appearance in our court on certain calends. On which plea appears A, and affirms that he had kept his plea in our court, as the law requires, for three days and more; and that the said B had forfeited his plea (*adjectus sit, et solsatisset*), and neither come to his plea nor sent lawful excuse (*sunnia*). Wherefore we, with our peers, decree that if the aforesaid B has truly given to you such and such fidejussors, and has not kept his plea; and, inasmuch as the illustrious man, the count of the palace, has certified that A has duly kept his day, according to law, '*et eum adjectivit et solsativit*,' and B has neglected to keep his day, we hereby direct you to proceed, according to the law of the place, to compel compensation."

No free man, according to the Salic law (*Lex Sal.*, xl. 42, 53, 76), could be brought before the court until three legal summonses had been served upon him. These summonses must be for three separate days, on each of which the complainant waited in the court, until sunset, the appearance of the accused. If the latter did not appear, and sent no lawful *sunnia*, the accuser required from the court and the witnesses present a written attestation of the fact. He was then said "*solsatire*," or "*collocare solem*," and the act itself was called "*solsadium*." It was only after three *solsadia* that the court of the district was able to proceed to execution. In connection with "*solsatire*" we generally meet with "*adjectire*"—"adjectivit et solsativit." It is probable that the word alludes to the throwing of

a straw—in the barbarous Latin of the time, “jactire,” a ceremony which accompanied the legal form of words. “Solsatire seems to relate to the sunset; Icelandic “solsetr,” sol in the sense of the sun, seems to have belonged, in some remote period, to the Gothic tongues as well as to the Latin. It remains in the Scandinavian dialects, and traces of it may be found in compounds in the Anglo-Saxon. Such are “sol monad” February; “solen,” sunny; “sol-sæce,” the sun-flower. The sun-set, according to the customs of the Gothic peoples, was the time when the legal day ceased. As in the early age of the Roman Republic, no court could be held, no freeman was bound to answer a summons except in sun-light. No one was required by the Frank law to wait the appearance of his adversary after its setting; no duel could take place, no execution could be carried into effect, after the going down of the sun. The forms of the barbarians have often a figurative meaning; will they not here shew that justice belongs to the day-light, and should be clear as the beams of the sun? It may be remarked, moreover, that whenever the heavenly bodies are alluded to in the old laws, the expression always becomes poetical. Such phrases as “the climbing sun,” “till the stars stand in the heavens,” “framgözn scolo borin i döm þann, adr, stiarna komi i himin,” are continually occurring in old legal documents. In other places we find the appearance of the stars was, instead of the sunset, the termination of the legal day. According to a document of the year 1247, a man was required in Huesca, in Arragon, to wait, with his witnesses, in the place assigned, until a star shone; and, in England, he who in the Duellum could maintain the combat until the appearance of the stars, was held to be acquitted. (Bracton, lib iii. de Coronâ, xix. 20.)

But though sunlight was essential to judicial proceedings, it was by the night that time was computed. How old this custom is may be learned from the remark of Tacitus (Tac., Germ., xi.):—“*Nec dierum numero, ut nos, sed noctium computant. Sic constituent, sic condicunt, ut nox ducere diem videatur.*” In the Salic and Alemannic laws, in the capitula, and in ancient legal documents, we find frequent references to the mode of reckoning by nights:—“*A septem in septem noctes;*” “*post quatuordecim noctes;*” “*in quadraginta noctes.*” And from the phrases, “a fortnight,” “this day se’nnight,” and the like, which are common in English speech, we may gather that the practice of counting by nights was universal among peoples of German race. The inquirer into ancient customs will continually stumble upon coincidences in the habits of the peoples which must have had their origin in times lost in the darkness of antiquity. Thus we find that the Welsh or Celtic, as well

as the Gothic people, began their day from the evening. The Gauls, according to Cæsar, kept their reckoning by nights, and evening was the closing period of the day. The modern Italians, instead of adhering to the Roman rule, have followed the inconvenient custom of determining the beginning of the day by the sun-setting. Half-an-hour after sunset they consider to be the beginning of the day, and set their clocks accordingly. Their reckoning runs through the twenty-four hours, so that the first hour varies with the course of the sun, and 22 o'clock is an hour and a half before sunset.

In the absence of proof, the sacramental purgation was resorted to. The thirty-first of the *chartæ regales* is a *charta paricla*, that is—a judgment, given by a Count of the palace, wherein a man, charged with theft, had purged himself by the compurgatorial oath, and called "*paricla*," because copies of the judgment, *chartæ pariculæ*, were given to plaintiff and defendant, neither of whom was held, in this case, to have had the better of the other. The formula runs:—"That a certain man, called A, had summoned B upon a charge of having secreted his runaway serf, C, together with a garment, worth so many *solidi*, and that all these things B had denied." The court decided, therefore, there being no witnesses, that "B, aforesaid, should swear, with three and three, his own hand the seventh, upon the kist of St. Martin, in the palace, where compurgatorial oaths are usually sworn, that he has never received the said runaway serf, C, nor the garment, worth so much." The formula then states that neither party has the advantage in the case, and that certificates of the decision—"chartæ pariclæ"—are to be delivered to each.

The principle that a man might clear himself by his own oath, and that of a certain number of his neighbours, in cases wherein no legal proof existed, and, more anciently, without calling any legal proof, is common to all barbarian laws. The conjurors, or compurgators, were a kind of witnesses to character; for their evidence went no further than to declare, on oath, that they believed the solemn asseverations of their principal. Among the anonymous formulæ (*Marc. append. xxix.*; *Notitiæ Sacramt. ibid. xxix. 33*; *Form. And. xv. 49*; *Sirmund. xli.*) are several instances of this kind of compurgation; one of them, in a charge of *forbatudo*, a case we now call justifiable homicide, contains the form of the oath to be sworn by the defendant. It is in these terms:—"I swear by this holy place, and by God in the highest, and by the virtues of this saint (touching the kist), that a certain man, named A, came upon me, with arms, and inflicted blows upon me; and I, as the Lord directed, struck him again with my arms, and gave him such

and such blows, of which he is dead; and what I did to him, the same he desired to do to me." The man then undertakes that, within forty-two nights, three *aloarii*, and twelve compurgators, shall join him in the purgation.

The number of conjurors was regulated by the gravity of the offence, and the amount of the *wergild* allotted to it. In some cases the Ripuarian law required so many as seventy-two conjurors. (Pertz. *Mon. Germ. i.*, 414; *Ann. Fuld.*, A.D. 899.) At Ratisbon, in the month of June, A.D. 899, the queen, Rita, justified herself, from a charge of immorality, by the oaths of seventy-two compurgators. The Frisians seem to have assumed that the lower the caste of the swearer, the less likely would he be to speak the truth; and, therefore, made the number of conjurors to depend upon the stand of the offender. Thus, if a man were accused of slaying a noble, he must—if himself a noble—bring forward eleven conjurors on his behalf; but if he were a common free-man, seventeen would be required; and a *litus* would be bound to produce thirty-five persons to swear for him. Again, in the case of the death of a *litus*, a noble might purge himself by the oaths of only three conjurors; a free-man, by five; but the *litus* must bring eleven. Generally, only the free were admitted as conjurors, because only the free could receive *wergilds*; but it was peculiar to the Frisian (*Lex Fris. T. i. de homicidiis*) law to give the *litus* a *wergild*; therefore was the oath of a *litus* admitted. It is shewn by Rogge, that the Burgundian customs, in some cases, received women and children as conjurors; and that among the Lombards of a later period, the oaths of women, and even of serfs, were not rejected.

There is reason to believe, that in very remote times, the oath of the free-man alone, without the corroboration of conjurors, was sufficient for his justification; and that no proof, on the part of the complainant, could be received, in case the accused was ready to defend himself, either by the duel, or the oath. The law gave him the first right, as Grimm (*D. R. alt. 859*) remarks, in the same manner as in a modern German duel, the challenged has the first cut, or the first shot, allowed him. This confidence in the free-man's veracity is an honourable testimony to national character; but, in its very nature, there was a temptation to abuse, and it soon became necessary to require additional evidence; not as to the fact, but as to the veracity of the swearer. It was an easy expedient to ask a man to swear that he believed his assertion; it cost nothing, and such an oath might, in most cases, be sworn with truth; nor could the conjuror be charged with perjury, if it should afterwards appear that his principal had sworn falsely. But such a playing with oaths must, in time, have led to a general laxity upon one of the most

solemn of all subjects, and there is reason to fear that such was its actual consequence. "Help me, with an oath," was one of the commonest of applications, as we learn from a preacher of the 13th century, who makes the custom the subject of a sermon, and visits it with severe and just reprobation.

The oaths of different periods and occasions, from the great oath of "William the Conqueror" down to the Peacock and the Swan—their forms, the objects adjured or touched in the solemnity, would fill a volume—one of no uninteresting character. Here they can receive only the briefest notice. The word "oath" is common to all the Gothic dialects; Gothic "*aupc*" Anglo-Saxon *dð*, Icelandic *eiðr*; but I am unable to trace its derivation, or to say whether it is connected with the Gothic *aupci*, old German *eidi*—a mother; or whether it relates to the Saxon *dð*, old German *eid*—a fire. In pagan times, besides the invocation of the gods, almost every object in nature—earth, rocks, trees, the fountain, and the stream, supplied objects of adjuration. In the Iliad (xiv. 272) the Greek touches the earth with one hand, and the water with the other, to give solemnity to an oath. The Roman swore by a flint, the Scythian by wind and sword—emblems of life and death: in the "Atla-Quipa" of Sæmundr, the oath is by "Sigty's bergi." The sword, the royal staff, the beard, the hair, afford instances of a variety of adjurations. The Athenian, in judicial proceedings, touched the altar; the Scandinavian Goth, the ring of Ulbi; the Frisian took his long locks in his hand as he swore; and in the south of Germany, the woman, on taking an oath, was required to touch her breast. In the middle ages, however, the ordinary judicial oath was upon the cross, or upon the kist, which contained the reliques of some saint, as shewn in the preceding formula of Marculfus.

The oath of allegiance is called by Marculfus "Leudesamium" (Leude, Leute, people; Samium, oath). The fortieth of the chartæ regales is a circular addressed to the various counts, commanding each of them to summon his people, in convenient places, cities, villages, or castles, in order that they may take, in the presence of the Missus deputed for that purpose, the Leudesamium, on the reliques of the saints, "to our great and glorious son, whom, with the consent of our peers, we have appointed to rule in such a kingdom." The formula relates to the custom of the Merovingian kings, appointing their sons governors, with the title of king, over parts of the monarchy, as Neustria and Austrasia. Whether the consent of the great, mentioned in the formula, superseded the ancient form of election, and the elevation on the shield, is doubtful. Probably the consent was given in the usual form in the March-

field, in the general assembly of the people. The Marchfield, which deposed Charles the Simple, is termed a meeting of the great, though, in fact, it was the assembly of the whole Frank people.

Bignon confesses himself utterly unable to explain the word *Samium*, unless it be taken for a corruption of *Sacramentum*. The conjecture is not felicitous. According to Grimm (D. R. alt. 895) it is merely the common oath, "so mei Gott helfe" (so help me God), contracted into "Sammir Gott," or, more briefly, "Sammir." The oath itself came to be known by the name of "Sammir," and was Latinized into *Samium*.

When a man desired to appoint another his attorney, or to prosecute any particular business in the courts, it was necessary for him to apply for the royal license to make such an appointment. The twenty-first of the *chartæ regales* is the form of such a license. It is in these words—"The faithful subject A coming before us, has represented that on account of his extreme simplicity and ignorance he was ill able to prosecute and 'admallare' his causes, and has begged of our clemency that the illustrious man B might have license in his stead to take up his causes, both in our court and in the Gau-thing, to prosecute and 'admallare';" and, forasmuch as the said causes have been committed by the aforesaid A to B by the delivery of a straw, we command that the said B shall be admitted to take up, in all cases, the causes of A aforesaid, to prosecute the same, and to act legally on behalf of the said A, and of his men of every condition, so long as the pleasure of both shall continue."

By Frank customs both the principal and the attorney were required to appear personally in the *mallus*, and the appointment was legally completed by the delivery of a straw. In cases wherein, from sickness, the principal could not appear, the ceremony was done before the *Dorf-graf* and a sufficient number of witnesses.

But when the appointment was made after the Roman fashion, it was unnecessary for the principal to appear in the *Curia*, but he wrote a charter of *mandatum*, which was produced and read in the *Curia* by the attorney, in the presence of the *Defensor* or *Duumviri*, and registered in the archives of the *Curia*. The thirty-first of the *chartæ pagenses* is the form of a *mandatum* for a special object. It runs—"To my Lord and Brother, such an one: I request and intreat your worship, since I have a suit in the palace court, or elsewhere, with a man of such a name respecting an alode (or other object), that you will take up the said suit, to prosecute or *admallare* on my behalf, and plead with the above-named man respecting it. And whatsoever you shall do, or settle, relating to this suit, that I acknowledge to be done and settled by me."

Though it appears from this formula that an attorney, legally constituted, either by the *mandatum* or the *straw-throw*, was admitted, in the time of Marculfus, into the Frank courts, as well as into the Roman, there can be little doubt that the whole proceeding by attorney was derived from the Roman law. It is too artificial in its nature to spring from Germanic habits, and altogether incompatible with a rude state of society. The whole principle of Gothic legislature rests upon personal responsibility, and the circumstance of the royal license being necessary to enable a man to appoint an attorney, and then only on a plea of incapacity, are evidences of the difficulty and reluctance attending any departure from that principle. The proprietor of free land was as much bound by his status to attend to the civil business of the commonwealth in the *mallus*, as to appear in arms for its defence. Representing not his own person only, but every soul under his *mundium*, it is difficult to conceive that the very nature of this personal responsibility would admit of vicarious performance, or that the forms of the Salic law would recognise a deputed authority. An attorney could not cast the straw, or adjectire and *solsatire*, or perform any of those emblematic legal ceremonies, which were required of the free Frank. (*Lex Baj.* ii. 10, 1.) In remoter times, if a man became mentally or physically incapable of attending the *mallus*, he became legally dead, and his land, his arms, and the *mund* descended to his eldest son, as much as if he was physically dead; for in the Gothic Folk-constitution every right was conditional, and implied a duty. If a man enjoyed the right, he was bound to perform the duty. (*Grimm.*, D. R. All. 416, 417, 486, 490.) There was no such thing as absolute power, or arbitrary right over land; but it was a conditional enjoyment, and the very fact of its possession implied duties to be performed.

If we could examine the constitutions of the ancient republics in their earliest and simplest form, we should probably find that the same duties devolved upon the holder of land, as were required of the German free proprietor. It is the natural condition of an original settlement, and traces of its existence may be discovered in times within the range of history. The original signification of the Athenian "*δημος*," was a district of land, and the "*δημοται*," on whom the jurisdiction, within its limits, devolved, were the possessors of the land within the boundaries of the "*δημος*." Neither in the earliest historical times was the Athenian citizen permitted to appear before a court of justice by a deputy, nor to address the assembly by an advocate, except when disabled by sickness. Afterwards it became customary to ask permission to address the assembly by the mouth of a relative or friend, who was probably a person skilled in oratory, but hired advocates were never recog-

nised. The "*συνήγορος*," who received money was in danger of a "*γραφη*" before the "*δεσποθεται*." In cases wherein the principle felt his incompetence to address the people, he was still required to appear in person; he then, in a few words, stated his business, and asked leave of the court for his friend to speak on his behalf. And in the elder times of the Roman republic the custom of appearing by deputation was unknown. The law did not admit of pleading by hired *procuratores*, and even the earlier *jurisconsulti* gave their advice gratis. That this was so, is evident from the use of the term "*mandatum*," to signify the act of committing a business to an attorney. For the essential condition of a *mandatum* is that it be a trust committed by one man to another to be performed by him without reward; which, if done for profit, would be a contract of "*Locatio and conductio*." So by the Cincian law, B.C. 204, the advocate, or orator, was forbidden to take a fee for pleading a cause, and the prohibition was confirmed by a *senatus-consultum*, which imposed a penalty of four times the sum received, so late as the time of Augustus. (Tac. Ann., xi. 5.) The Lex Cincia was so far modified in the reign of Claudius, that an advocate was allowed to receive ten sesterces (Dio Cass., xviii.); if he took more, he incurred the danger of the penalties of "*Repetundæ*." The fee was not considered in the light of a payment for labour, but received the title of "*Honorarium*." These facts shew that the profession of an attorney as a means of subsistence was comparatively of modern date. In the earliest times the freeman was bound to prosecute his affairs in person before the popular assembly; then a kinsman or friend, having no pecuniary reward in view, was allowed to speak for him; and it was only by slow degrees and late, that the practice of committing causes to hired attorneys, or *procurators* was sanctioned by law. I am not certain whether the Frank *mallus*, so late as the time of Marculfus, admitted an hired attorney, though it is certain that he who was empowered by a charter of *mandatum* to prosecute a cause in the Curia, might be a paid *procurator*; for the law of the Wisigoths (lib. ii. T. iii. 7) treats of attorney and client, and the 7th article regulates the fees to be paid to him who acted in the courts for another by virtue of a charter of *mandatum*.

CHAPTER IV.

Church Endowments and Inheritance of Land.

WITH the preceding formulæ the first book of Marculfus ends. The chartæ pagenses which follow, are for the most part of a domestic nature. They consist of formulæ for deeds which might be executed in the mallus of the Gau, or district, in the presence of the count, his viscount, or the centenarius. The second book contains also forms for various matters which might be transacted by letter, and are not strictly of a legal or judicial character. The chartæ pagenses may be classed into those which relate to the church, those which belong to the inheritance, or alienation of land, those which illustrate the various forms of servitude, and those of a miscellaneous nature.

Among the ecclesiastical formulæ, the foundation and endowment of monasteries from their number and importance naturally occupy the first place. The essential words by which land is given are nearly the same in all deeds of this nature, but we find in Marculfus a variety of forms of prologues and endowments, suited to the case which might be supposed to occur, which set forth, with a homely eloquence, the various reasons and circumstances by which a man might be moved to devote property to holy purposes. One enlarges upon the passage in St. Matthew's Gospel, "Sell all that thou hast, and give it to the poor, and thou shalt have treasure in heaven;" another moralises upon the transitory nature of earthly goods; a third, with the grave opening before him, feels the urgency of the precept, "Lay up treasure in heaven;" a fourth, who has received the treasure, renounces the mammon of iniquity, and gives it over to his convent. One sees, from certain signs, that the end of the

world is at hand; another, in consideration of the candles he bestowed upon the church, trusts that his name may be written in the book of life. Some rely upon the intercession of the saints, to whom they are about to become benefactors; some comfort themselves with the text: "*Date elemosynam, et omnia munda fiunt vobis*;" but all agree in setting forth that it is for the soul's welfare—for the remission of sin, and in the hope of an everlasting recompense. So early had the Romish doctrine of merits obtained exclusive possession of the minds of the people. The doctrinal subtleties, which in preceding centuries had been agitated by the vivacity of Greek theologians, would probably have been little intelligible to the rudeness of Frank understandings. Chilperich, the son of Chlotar, whom Gregory calls "the Nero and Herod" of his time—the only one of the Merovingian princes who busied himself with doctrinal or learned mysteries, took it into his head to propound some new articles of faith, which seem to have been of a Sabellian character, and required the bishops to receive them. The remonstrances of Gregory and other bishops compelled the king, though unwillingly, to abandon his project, and it is almost the only instance, in the annals of the times, in which speculative dogmata disturbed the course of practical devotion. It cannot be denied that the doctrine that crime might be atoned by the foundation of churches and monasteries was at least of an equivocal moral tendency, and when we survey the history of the Merovingian family, and the picture of society drawn by contemporary chroniclers, we must fear that many of the works of mercy so profusely scattered over France, are to be regarded rather as evidences of crime, than as offerings of Christian benevolence.

The expression of these charters of endowment is uniformly of an earnest, sometimes of a poetic and touching character. The spirit of the times, like the circumstances, was earnest; and the same singleness, the same devotedness of mind which led men, whether as a propitiation for sin, or for the love of our Lord, to dedicate property to holy uses, breathes in the legal instruments by which they gave validity to their intentions. Nothing can be more impressive than the simplicity of many of these memorials of mortality, speaking, as they do, after the lapse of so many centuries. In one of them (the first of the *chartæ pagenses*) the founder of an abbey, after transferring to the brotherhood, in the legal form, "such and such lands, with the mancipia, houses, vineyards, fields, meadows, woods," &c.; forbidding all exchange of the same, under any pretext whatever; and barring all external jurisdiction, except that of the adversary, proceeds; "and, by the

ineffable majesty of God—by the blessed and glorious Trinity, Father, Son, and Holy Spirit, I adjure the most merciful kings, as well present as future, all bishops in the Lord, all authorities and primates, all seniors and judges of the land, that they permit not, either from godless cupidity, or any other motive, that this my will, at any time, or under any circumstances be broken. So may they receive their reward from Him who alone knows that I give these alms out of compassion for the poor, and for the love of our Lord Jesus Christ." The spirit which pervades this charter is common to all; but the founders generally add to this appeal to the better feelings, another addressed to the fears, and interests of posterity. So, in the preceding formula, the infringer of the endowment is given over to the society of Judas, and to the mercy of the fisc. And in another, whereby a man bestows a trifling donation on an old foundation, the gainsayer, whether he be one of his heirs, or any other person, is summoned to meet the saint to whose honour the donation is given, before the tribunal of God, and called upon, moreover, to pay, "*cum cogente fisco*," so many pounds of gold and silver, as the penalty of his wickedness, "which yet," continues the formula, "shall not prosper; but this my will shall stand for ever and ever."

It often happened that a man would desire to transfer his lands, in perpetuity, to a monastery, on the condition of retaining the usufruct during life. This might be done by testament, or by a charter of donation, *causâ mortis*. But, in the former case, the church would have no possession; and the latter was liable to revocation. So strongly did the donators of that time feel the danger of the temptations to revocation, that they generally include themselves in the anathema which they pronounce upon those who shall endeavour to withdraw the donation from its pious object. "If any one, according to the sixth formula, which I do not believe possible—I myself (and far be it from me), or any of my heirs, shall attempt to contravene the purpose of this donation, the wrath of the Holy Trinity be upon him, and let him be compelled, *cogente fisco*, to forfeit to the said church so many pounds of gold and silver;" and the donations to the Abbey of Lorsch may be cited as being in almost the very words of the formula. Although this deed would be registered in the curia, I doubt whether the penalty clause could be enforced against the donator, in case he should cancel the donation, though it might against his heirs. At all events, possession would be more agreeable to the church than a donation liable to contingencies; and it would sometimes be more grateful to the feelings of the benefactor to place his gift out of the chance

of litigation, and himself beyond the influence of temptation. It was common, therefore, when a man desired to endow a church with property at his death, to do it by "Precaria and Prestaria."

According to this form, he transferred his land at once, in the legal manner, with possession, to the bishop or abbot, and then presented a petition, called "Precaria," praying that he might be permitted to enjoy the usufruct of life, as a benefice; and the prayer of this petition was conceded by the bishop or abbot, in an instrument termed "Prestaria." The man, therefore, instead of a free proprietor, became a beneficiary of the church, and the heir lost all interest in the tenure. The Precaria appears to be, in fact, the only method by which the church could deal with reversionary property. It could be no party to a contingent donation, because church property acquired a character of sanctity; and the mixture of sacred and profane rights was impossible. There must be delivery before the church could exercise any right, and once delivered it acquired, according to the decrees of synods and imperial constitutions, a character which did not admit of lay interference; one consequence of this character was, that it could never be alienated, and only the usufruct could be conferred.

The fourth of the chartæ pagenses is a joint deed, according to the Roman form, by which a man and his wife convey to a certain church, in full property, a will, in such a place, with all its buildings, waters, mills and mancipia. The fifth is the Precaria accompanying it, addressed to a bishop, which, referring to the deed of cession, prays that the land might be enjoyed by them as a benefice held of the church, for their joint lives and the life of the survivor, and undertakes that no part of it should suffer diminution or danger during their occupation, but that it, and everything upon it, shall revert, on the death of the survivor, improved and bettered, to the church. The thirty-ninth formula is a Precaria similar in nature, but varying in circumstance: the fortieth is the corresponding Prestaria. Among the anonymous formulæ is a Prestaria of an abbeſs of a monastery, conferring the benefice on a female benefactress; and another of the rector or custos of a church, which reserves to his church an annual pecuniary payment. The latter formula expresses, in clear terms, the nature and object of the Prestaria. "To my son, in Christ, A B, by God's grace, the rector or custos of the church, in such a village, situate in such a district, whereas thou hast given to the church or house of God in the said village, in complete propriety, the villas and effects belonging to thee, situated in such and such places; and afterwards, we have allowed the Precaria, and have consented to grant to thee, by way of benefice, the said villas and other property, which we have so

granted, and hereby grant, on the condition that, for the term of thy natural life, thou shalt hold, use, and possess the same, by way of benefice from us; and every year, on the feast of such a saint, shalt thou pay, by thy own hands, so many solidi for the lights and service of the church. And neither we, our successors, nor any one on our behalf, will either abstract or diminish the said property in thy possession during the term of thy natural life."

Land held of the church under such a tenure was said to be held by "*Precaria*." The term sufficiently indicates the source of its derivation, though, in leaving property for the term of a man's life, it departs from the principle which is essential to the *Precarium*. For the *Precarium* of Roman law is, that one man permits to another the possession and enjoyment of property, with the right of recalling it at pleasure. If the occupier, after the permission was recalled, refused to resign the property, "*the possessio*" which, in its origin, was *justa*, became "*vitiosa*," and a remedy would be afforded by the "*Inderdictum de Precario*." So, if the heirs of a person who held land of the church, under the title of *Precario*, refused to give it up at his decease, the courts would proceed to put the lawful proprietors into possession.

Questions respecting the inheritance and possession of land would naturally vary with the nature of the tenure and the law of the proprietor. In the remotest times, the customs of the Germans required that land, together with the arms of the deceased, and the rights of feud and compensation, should descend to the eldest son. It seems, notwithstanding, to have been always in the power of the head of the family, during life, to alienate the property at pleasure, though not to change the order of succession; and land, like any other species or property, was liable to be taken for the legal fines of the familia. The Salic law (*Lex Sal.*, T. lxii.), while it regulates the order of succession among more distant relatives, expressly states that, "with respect to Salic land, no portion of it shall descend to a woman, but can only be held by males." The prohibition is repeated in the revised version of the law by Charlemagne; and it is referred to by Marculfus in terms which admit no doubt as to the custom. The question arises, What was Salic land? It could not be the benefices, for they were not matters of inheritance. Some have searched for Salic land in a particular locality, and have found it in the neighbourhood of the Issel (anciently the Sala), where a considerable tract of country around Deventer still bears the name "*Saal-land*." Others have gone still wider—to the salt-marshes of the north coast—where it has pleased them to place the Salii. It is unnecessary, however, to refer to all the conjectures which have been broached respecting

the word Salic, which, after all, may have no reference to the Salii. The word "Salicius" appears only as an adjective, in the sense of something noble. "*Hac,*" (*lege Salicâ*) says Otto Frising, "*nobilissimi Francorum, qui Salici dicuntur, adhuc vivunt.*" Salicus, or Saligus Francus, is the term employed to designate the noble Frank; and it is in this sense that it was applied to the Emperor Conrad II. It seems rather related to the German "selig," than to the Salii. Salic land is written in the Old German "Selilant," a word which appears to refer to the Hoftenure, which gave the Frank the full rights of Gau-genossenschaft, and made him the representative of every soul living beneath his mundium. It was the chief of all tenure. The lands, divided by Chlodwig and his successors, among the Franks, as allodes, out of the fiscal estates in Gaul, would, doubtless, follow German principles, and carry with them German privileges and duties; they would be Salic land. Indeed, in the Salic law, in the Merovingian diplomata, in the Lombard law of Charlemagne, and in the capitularies, (Lex Sal. Her. T. xvi. § 2., and T. xxxii. § 19; Cap. lib. iv. c. 75.; Lex Longobard. Carol m. c. 76) we find the term "Salecus Francus" employed to designate the possessor of land "optimo jure." Salic land, therefore, I take to be that, which held by a free Frank, conferred the rights of the mundium, according to Germanic custom: smaller tenements—cots, casæ—with their bit of ground, as in Frank land, would not be Salic land. Salic land, in compliance with ancient usage, would descend to the eldest son; younger sons must therefore seek fortune. Sometimes they took land of a free Frank as liti; sometimes they were driven, by want, into absolute servitude; but the most ordinary course of younger sons was to build, with the consent of the community, a little habitation on the common belonging to their birthplace, or they "squatted" in another vill. The Salic law (T. xlvi. 1, 2) regulates the order of migrations of this nature. It provides that the veto of a single householder should be conclusive against the new settlement, and prescribes the forms to be followed for expulsion, in case of forcible persistence. A tacit acquiescence for twelve months gave the settler a legal possession. Land, so acquired, would not, I should imagine, be Salic land. The quantity would be small; the house of the humblest description; and the whole possession of the nature of a cot, casa, which never conferred the full rights of a "bonus homo" on the proprietor; for it is not to be supposed that the men of the mark would consent to the abstraction of any large portion, or admit a stranger to share in any preponderating enjoyment of their common.

Another question is: Whether alodes acquired by marriage or purchase after the settlement—in other words, whether all considerable domains, held under any title, by a Frank, became, *ipso facto*, Salic land? Marculfus, in the twenty-fourth chartæ pagenses, seems to favour this opinion; but, at the same time, shews that it was in the power of the tenant, notwithstanding the letter of the law, to dispose of the succession at pleasure. The twelfth formula is a charter which enables a daughter to share with her brothers the paternal inheritance. "To my most dear daughter B, I such an one. It is the ordinary, but unjust custom among us, that the daughter shall have no portion with the brother in the paternal inheritance. But I, seriously reflecting on this injustice—that all my children are alike the gift of God, and are all equally beloved, appoint thee, dearest daughter, by this writing, to be an equal and lawful co-heiress with my sons, thy brethren, in all my lands, as well the paternal alodium as what I have acquired; and of my mancipia, and whatever else is mine, or shall be left behind me at my death, shalt thou have an equal share, and in no particular shall thy portion be less than theirs."

There can be no doubt, if a Frank made no deposition of his lands in his life-time, the daughters would not share with the sons in inheritance, though they would in the moveable property; and, in the event of the failure of the male line, the female would succeed to all lands, except Salic. But, according to the most ancient custom, the women could possess nothing; for she passed from the mundium of the father into that of the husband. She was herself part of the property of the parent, and was purchased of him by the husband in the same way as any other animal. "He who would take a wife," says the Saxon law (vi. 1), "let him pay to her parent 300 solidi; he who would marry a widow, let him offer to her tutor the price of her purchase, which is 300 solidi." In the Burgundian and Wisigoth laws (xxxiv. 2; iii. 4, 2), are frequent references to the "pretium uxoris." In the Lombard law the pretium is called "meta;" old German, "mieta;" Anglo-Saxon, "med," "medscoat." The laws of Inæ and Athelbald (76; 31) speak of the buying of wives, and the practice is forbidden by the law of Cnut. Wife-purchase is to be found in the remotest times. Homer (*Iliad*, xvi., 178, 190) speaks of the *ἀρεπείρια* and *μυρία ἑδνα*, by which wives were purchased; the custom is referred to by Aristotle as one of the highest antiquity, and the co-emptio one of the most ancient forms of marriage among the Romans. Among the Franks of the time of Marculfus and the Salic law, the mundium had softened down into the right of per-

sonal tutelage; the purchase had become rather a form than a reality, and a man bought his wife of her parent by the symbol of a penny and a shilling.

But, if the woman were a widow, the suitor paid three shillings and a penny, under the name of Reipus, to the person into whose mundium she fell on the death of her former husband, and this was to be done in the mallus, according to a form prescribed by the Salic law. (T. xlvi.) "If it happen that a man die and leave a widow, and any one wishes to receive her in wedlock, let the Tunginus or Centenarius call a mallus, and leave the shield in the mallus; and then he who wishes to take the widow shall have ready three witnesses and three solidi, and a denarius of just weight; and when the man to whom the Reipus is due shall have received the three solidi, one denarius, then may the man lawfully take the widow to wife." The law proceeds to specify the order of relationship in which the mund, on the death of the head of a family, descended, and the consequent right to the Reipus of the widow on re-marriage. They are—1st, the son; 2nd, brother's son; 3rd, sister's son; 4th, niece's son; 5th, cousin's son; 6th, uncle; 7th, late husband's brother; 8th, the heirs of the preceding to the sixth degree; 9th, the fisc. Why the price should be raised from one to three shillings and a penny does not appear, unless the second marriage was deemed an impropriety, and a certain degree of ignominy was attached to it. That a second marriage was regarded with some degree of unfavour and contempt is certain from the authority of Tacitus; and that the prejudice was still rife in the time of the Salic law is made probable by the term "Reipus," which is derived by Grimm from "Reif," a rope; Anglo-Saxon, "Rap;" Icelandic, "Reipe"; and "Busse," penance, fine. With respect to the public formality of the Tunginus, it was not peculiar to the Reipus, but common to all contracts of marriage, which, like every other species of agreement, could only acquire a legal validity by the publicity of the mallus. The shield mentioned in the law was the symbol of dignity, but it was also of use to receive the money. In all cases of public money-payment, whether to the fisc or to individuals, the Tunginus was required to have his shield in the assembly, and the coins were thrown into it one by one, in order that a bad one might be detected by the sound, just as, in our day, a tradesman chinks them upon his counter.

A daughter, by German custom, received no marriage portion from her parents, but was endowed by her husband, after the purchase, by a penny and a shilling. The same thing is remarked by Tacitus (Germ. xviii.) as a singularity: "*dotem non uzor marito sed uzori maritus offert.*" Grimm (D. R. Alt., 423) is inclined to think

the "preturm" and the "dos" are the same thing, and that the money received by the parents, as price, was paid by them to the daughter as dower. He observes that it is incredible that the Saxon, who paid 300 solidi to the parents, should also be required to lay down a further sum by way of dowry; and he alleges, as a corroboration of his view of the question, that the "meta," or purchase-money of Lombard law, was, after marriage, under the control of the wife. This is undoubtedly true; but the very term purchase, "pretium," "meta," "mietha," seems to be conclusive against him. It is difficult to reconcile the customs of different tribes and different epochs, modified and varied as they were by the progress of refinement and the greater intercourse with Roman law. That the Anglo-Saxon "medsceat" was a purchase seems certain, or it would not have been forbidden by Cnut; and the following formula shews that the dower and the purchase-money of the Franks were separate things. (Form. Lindenb., lxxv.; Forms of dower, Charter Pag., xv.; Form. Aud. i., 34; Sirmund., xiv. 15; Lindenb., lxxv. 78, 79.) "Since it has been agreed by our parents, on both sides, that I should espouse thee with a penny and a shilling, according to the Salic law, which I have contracted to do; and since it has also been agreed that I should endow thee with somewhat of my goods, which I have also covenanted to do. Therefore, by this deed of dowry, and by a straw, I grant to thee for ever whatever I have in such a vill, in such a place, seated upon such a river, with houses so many, and the men of such and such names there dwelling and thereto belonging, and the lands, waste or cultivated, the woods, meadows, fields, pastures, waters and watercourses, whether stream or lake, the cattle, effects, flocks, vineyards, mills, and whatever else there belongs to me, I give, deliver, and transfer to thee. Also, of my herds, I give thee, of oxen and cows so many head; of sheep and swine so many; also, of wrought gold and silver, so many solidi. To the end that all these things shalt thou, from the day of our marriage, have, hold, and possess; and whatever it may please thee to do therewith, shalt thou, in every respect, have free and complete power to do."

The dowry conferred by the husband upon the wife must always have been under the separate control of the latter. In Tacitus's day, when the dower consisted of gifts of cattle and effects, the kinsmen and friends of the bride were called in to examine them, a ceremony which would have been useless in case they reverted into the power of the donor. The formula usually confer on the wife the legal disposal of the lands and effects settled upon her. In addition to the preceding example, the fifteenth and sixteenth chartæ pagenses, which are other forms of dowry, confer on the wife

similar powers over the property. Such lands would descend, in the course of nature, to the children of the marriage, or they might be disposed of by testament or donation. The seventh formula is a deed wherein a man and his wife, being childless, join in granting the usufruct of the lands belonging to each to the survivor, with power to alienate, by will, a certain portion to holy purposes for the repose of the souls of both, the remainder to revert to the lawful heirs. First, the husband recites the motives of the donation, enumerates the villas which are the subject of it, then confers the right of usufruct and power of bequest for spiritual objects on the wife, and reserves the remainder of the property to the heir. The wife follows in the same form and words; and both then join in protecting their mutual interdonation by the legal forms, fixing a penalty of so many pounds of gold and silver upon any one of their heirs who may endeavour to upset it. The eighth is a similar formula, except that it does not contain the clause empowering the diminution of the estates.

The ninth formula is a charter of obnoxiation. It was addressed by a man to his sons, and sets forth that before marriage he had settled such and such villas upon his wife, who, for the punishment of his sins, had departed this life, and admits that the whole alode of the deceased mother, including the villas, had lawfully come, under the deed of settlement, into the possession of the children. "But since you," it proceeds, "like dutiful children, have granted" my prayer to enjoy the said villas, by way of benefice, without prejudice to you, during my life, so do I, moved by natural affection, and the consideration of the usufruct aforesaid, by the letter of obnoxiation, obnoxiate other villas of such and such names belonging to me, in such manner that I hereby acknowledge that I hold the same, as well as the villas belonging to your deceased mother, of you by way of benefice, and that I can neither sell, alienate, nor exchange, nor in any way diminish the same, and that I only possess the usufruct thereof." The formula is called a charter of obnoxiation, because by it a man renders himself "obnoxius," or under an obligation neither to alienate nor diminish the property of which it is the subject.

The tenth is a formula by which a man, quoting the authority of the Roman law, calls the children of a deceased daughter to the share of the moveable and immoveable property which she would have inherited had she survived, deducting the value of the effects wherewith the testator had endowed her on her marriage. The eleventh grants certain villas to a favourite son or grandson, beyond his share in the paternal inheritance, in consideration of the care and daily and nightly service with which the grantee has tended

the testator. These are formulæ according to Roman law; but the fourteenth, which is an amicable concord among relations respecting the inheritance and division of certain property, is done "*per festucam*," the straw-cast in the mallus. The thirteenth is a form of adoption, by which a man gives his property to another in consideration of being supported by him whilst he lives—interesting, inasmuch as it takes us to scenes of humble life, and shews the straits to which the poor proprietor was frequently reduced—"Whereas, for my sins, I have long been deprived of children, and infirmity and poverty are approaching, therefore have I, pursuant to an agreement between us, adopted thee in the place of a son, on the condition that, while I live, thou shalt sufficiently provide and procure for me all necessary food and clothing on back, in bed, and in shoes, and in consideration of the same, shalt thou receive from me, at this present, all the effects I am possessed of—house, vineyard, peculium, and the furniture of my house, in complete propriety, subject only to the above condition; and I engage, by this writing, that neither I nor my heirs, nor any one, shall contravene this agreement, but thou shalt supply my wants while I live, and all my effects, from the present day, shall be thine for ever."

The sale of land, according to Frank forms, required the vendor and purchaser to appear with their witnesses in the mallus. The vendor described the property, its situation, quantity, and limits. The purchaser then paid down the stipulated price, and the vendor delivered the land by the symbol of a little earth or grass, but always by casting a straw to the purchaser, in token of his renunciation of all right over it. Possession, and the testimony of witnesses, constituted the title of the purchaser before the art of writing found its way into the German courts; but when Marculfus wrote, either from the influence of Roman example, or from the evident convenience of the practice, it had become the custom to record the Frankish forms in a charter of sale, drawn in the Roman form, subscribed by the good men, to lay the symbols upon the parchment, and when the money was paid the delivery was made, and the purchaser was said, "*levare cartam*." The following is a "*charta venditionis*:"—"To the magnificent brother in Christ such an one the purchaser, I such an one the vendor: Whereas I have sold and delivered to you a certain estate, my property, situate in such a place, by such a river, that is to say, a manse, which is descended to me in right of my father, together with the buildings thereupon, and the arable land belonging to it, so much, and the meadow land, so much; and whatever else pertains to the said manse, by this charter of vendition, or by straw-cast and andelang, I grant, deliver, and transfirm, totally and absolutely, to you. And, therefore,

I acknowledge I have received of you so many good and lawful solidi." It was often the case that the sale was first made by a charter of vendition, and the delivery, according to the Salic form, took place subsequently upon the land itself, in the presence of legal witnesses, who afterwards appeared in the *mallus* to testify the same. The delivery, indeed, was the essential matter, according to Germanic law; the charter seems to have been borrowed from Rome. The following is a form of notice of delivery:—"Notice of delivery in the presence of the men whose names are subscribed. Whereas, such a man came to such a manse, his property, which previously, by a charter of venditio, he had transferred to his son, of such a name, and there, by door and hinge, by turf and straw-throw, he delivered the same in our presence to his son, such an one, and werped all right therein, and all control over it." The form of delivery was the same, whether it was in consequence of sale, exchange, or donation.

The conjecture of Grimm (*D. R. Alt.*, 129), that the Roman "*stipulatio*" originally implied delivery by a straw—*stipula*, is one of those happy guesses, which, notwithstanding their novelty, strike us at once as being true. The Frank form of land livery brings the whole ceremony before us, and we wonder the same thing has never occurred to us before. The "*obligatio verbis*," the form of contract to which the *stipulatio* belongs, was the oldest, perhaps, in the most ancient period of the Roman commonwealth, the only form of contract. The very form of it, by question and answer, is a proof of its extreme antiquity. From its nature, it must have been performed before witnesses, or it would be entirely nugatory. And why should the questioner in the ceremony be called the stipulator, if the term had no reference to the straw? It is true that we read only of a "*stipulatio verbis*," but it may easily be conceived that the symbol would fall into disuse as the use of writing advanced, and the law required a greater technical perfection.

Land was also the subject of mortgage. But, according to the formula, the security seems to have been of the nature of a *Pignus*, rather than a *Hypotheca*, for the lender was actually in possession of the land, and received the produce for a certain time, by the expiration of which it was calculated the debt would be discharged. The deed contains no provision for the periodical payment of interest, but it alienates the property for a certain period, in consideration of the advance of a certain sum of money. The following is an example of the mortgage (*cautio*) of a vineyard, which would be registered in the *Curia*. "To my lord and brother such an one, I such an one: Whereas, on my request, and in my great necessity, you have advanced me, by way of loan, money or effects worth so

many solidi, therefore I pledge to you the vineyard, my property, situate in such a place and district, containing so much, bounded on both sides, and on the back and front by land belonging to such an one, in such wise that you shall receive the produce which the blessing of God may bestow for so many years, and the entire enjoyment of the said vineyard, without dispute. And when you shall have received the said produce for so many years, and my debt shall have thereby been discharged, then shall you be bound to deliver up, into my hand, the present cautio."

Cautio is the general term for securities for borrowed money, whether it be lent upon a mortgage of land, a pledge of any other kind, or on a simple bond or undertaking. The latter generally recites the fact of the lending, then follows the promise to pay on certain kalends, and usually finishes with imposing a penalty on non-payment at the stipulated period, of double the amount of the debt. The twenty-fifth *charta pagensis* is an example: "Whereas since on my petition, and, in order to supply my wants, you have had the kindness to advance me, on loan, a pound of silver, your property, I promise, by this bond of cautio, to repay to you the said silver on such kalends next approaching, and if I fail to pay, and the plea-day set me shall pass by, you shall hold me, or my heirs, on the following morning, liable to pay to you, or your heirs, or whosoever you may have transferred this cautio, double the amount of the money borrowed." It appears, from the above instrument, that the cautio was transferable.

When the debt was discharged, no release beyond the giving up of the cautio was necessary. But it would occasionally happen, in the multiplicity of accidents to which society at that time was exposed, that the cautio was lost or destroyed. In this case a release, called a letter-evacuatory, was given to the debtor on the repayment of the money. The thirty-fifth of the *chartæ pagenses* is the form in which such a letter was drawn. "Whereas, in such a previous year, you have received of me, by way of loan, so many solidi, and have given me a cautio for the repayment of the same; and whereas, at the present time, the said cautio appears to be lost, therefore have I, on repayment of the said loan, drawn up this letter-evacuatory, by virtue of which you are released and discharged from all demands respecting the said solidi; and if the said cautio shall hereafter appear, or, at any future time, be found by me or my heirs, no claim shall arise therefrom, but it shall be null and of no effect."

It is evident, from the terms, that the system of borrowing upon pledge, etc., was derived from the Roman law. The cautio of Roman law is the security given by one person to another, or which

one person obtains by the assistance of another. It meant a receipt for money, or the warranty of a title; it implied, also, among the Romans, as with Marculfus, many kinds of security for borrowed money, with or without pledges, the description of which was usually annexed to it; as "*cautio fidejussoria*," "*cautio pignoratrica*," "*cautio hypothecaria*;" originally the *cautio* implied only the security itself, but as the latter was usually given by writing, it came to indicate the instrument by which it was given, in the same way as we now term a bond or mortgage, a security. It is in this sense we find it used by Marculfus. I know not whether, in the *cautio* of a vineyard above quoted, which is a *cautio pignoratrica*, any symbolical delivery of the land was customary.

There was a kind of *cautio*, not unfrequent, if we may judge from the number of formula respecting it, which must strike us as a strange illustration of the circumstances of the times. It is the mortgage of a man's own body. By this deed the man, who has no other security to offer, mortgages his labour, as a slave, for so many days in a week; on which days he submits himself, like other slaves, to corporal punishment, while, for the rest of the week, he enjoys the privileges of a free-man. The twenty-seventh of the *chartas pagenses* is an instance of this kind of security:—"Whereas, in order to supply my urgent necessity, you have advanced me so many *solidi*, by way of loan, and therefore, in pursuance of an agreement made between us, I agree, until I can repay, from my own means, the said *solidi*, to enter into your servitude for so many days in every week, and to do whatever you, or your agents, may command; and, in case I appear negligent or slow, it shall be lawful for you to inflict corporal punishment upon me, as upon other slaves; and, when I shall have been enabled to repay the said *solidi*, then shall I receive back this, my *cautio*, into my own hand."

CHAPTER V.

Slavery.

SLAVERY, in some form or other, has existed among all the ancient people of whom we have any knowledge. There is no period, historical or mythic, in which we do not find the broad distinction of free and unfree. Homer (*Odys.* xv. 483) speaks of the purchase and sale of slaves; and Aristotle (*Pol.* i.) goes so far as to justify the distinction of free and unfree upon natural grounds; for he divides mankind into the free—*ἐλευθεροί*—who are the people of Grecian birth; and the barbarian world, whom he styles—*οἱ φύσιν δοῦλοι*—slaves by nature—men intended by nature to serve the nobler species. Something like the same argument has been heard, within memory, in England, in defence of the greatest abomination of Christian times. The state of free and unfree would be modified by circumstance; and gradations, in both classes, would arise in the course of time. All of noble blood, for instance, would be free, though all free-men would not be noble; while, among the unfree, we find many shades and distinctions, from the domestic slave of the Romans to the cultivator of the land, who, in many countries, was little to be distinguished from the free-man. Society, in the Gothic races, was most commonly divided into three orders—the noble, the free, and the servile. Tacitus mentions a fourth, “the *liberti*.” The law of the Frisians also treats of four classes—nobles, *liberi*, *liti* and *servi*. Of these, the two former would be free; while the two latter, as well as the *liberti* of Tacitus, would be included in the servile order. But the common division was into three stands. The Anglo-Saxons called them *Adeling*, *Ceorl*, and *þeow*; the northern Goths—*Jarl*, *Karl*, and *þräll*. In the law of

the Angles, weread of Adalingi, liberi, and servi; and Nithardus, speaking of the Saxons, says:—" *Sunt inter illos qui adhilingi, sunt qui frilingi, sunt qui lazzi, illorum lingua dicuntur; latina vero lingua hoc sunt; nobiles, ingenui et serviles.*" In the Salic law, all mention of nobles is omitted; but the people are divided into three orders—ingenni; liti, lidi, or coloni; and servi. The ingenui would include the men of noble birth, while the states of the liti and servi must be looked upon as mild and unmitigated forms of slavery.

Doubtless the origin of slavery is to be referred to war and conquest. The conquered race would sink into the condition of bondmen; and till, for masters, the ground which was once their own. Such were the *Εἰλωτες* of Sparta, who became bondmen to the Dorian conquerors. Such perhaps, were the *Prällas* of the Anglo-Saxons. Whether the German servi, whose gentle treatment is praised by Tacitus, were the descendants of a people once the possessors of the land, or the captives of Sclavonian and German wars, is a question which it is useless to agitate. The Welsh, or Celtic race, which seems to have preceded the Gothic in its progress towards the west, must, at some remote period, have occupied the German soil; and those who did not retire before the flood of emigration, as it rolled westward, would fall into a state of subjection. Probably the slavery among the Germans would spring from various causes, and the servi be a mixed race—Welsh, Sclavonian, and German; so would the states be not so much one of race as of circumstance, and the expression of Witikind—that, among the Saxons, the orders were three, *exclusive of servi*, become clear and intelligible. (Ann., lib i., T. i. 634.)

In Gaul, the slaves, who formed no inconsiderable portion of Roman wealth, would, to a certain extent, fall into the hands of the Germans. The Burgundians, with two-thirds of the lands, took one-third of the slaves as their portion; and the servi, who were attached to the *villæ fiscales*, and other lands which passed to the Franks, would follow the fate of the "Immobilia." The total number of serfs of all classes, servi and liti, in France, under the Merovingians, would be very great, perhaps as great, in proportion to the free, as under the Grecian republics. It was no uncommon thing, in the seventh, eighth, and ninth centuries, for a single individual to possess twenty, thirty, forty, and even more, *exclusive of coloni*. Next to land, silver, and gold, slaves were the most valuable property a man could hold; there was always a market for it; and accordingly we find that the formulæ relating to slavery, and regulating the various modes of sale and manumission, are, at least, as numerous as any other class.

The servi of France, in the time of Marculfus, would consist of the servi by birth, those who became servi by sentence of the law, and those who voluntarily gave themselves up to servitude. In the first class must be reckoned those, both whose parents were slaves, however they might have been brought to that condition, whether by immemorial prescription, warfare, or otherwise, and those, one of whose parents was a slave, though which parent depended on local custom. By the Salic law, if a free woman married a slave, her offspring would be slaves by birth, and she herself fell into the same condition. So in England, by the law of Henry I., the child of a serf by a free woman was born servile, but the child of a free-man by a female serf was free. The contrary maxim, "that the child follows the breast," appears to have prevailed in some parts of Germany, especially in Suabia. The constitutions of the Emperor Frederick I. declare that the child follows the mother—arbitrary distinctions arose in different lordships. In a charter dated Constanstanz, 8 kal. Aug., in the reign of the Emperor Konrad (A.D. 921), one Vuarfind, a free-man, declares that he had taken in marriage Richildis, a serf, belonging to the Monastery of St. Gall, who had borne him four sons, Suitvuart, Fridpert, Vaurwic, and Halo by name; and that it was agreed, by that writing, between the venerable abbot Hartman and him Vuarfind, that the children, according to Alemannic law, should be divided between them. Therefore gave he to the said abbot, as serfs to the monastery, two of his sons, to wit—Suitvuard and Halo. Still France, in the time of Marculfus, followed the Roman law with respect to the birth of the children of slaves.

The sale of children exposed by their parents—a mode of recruiting the number of slaves strongly opposed to all our ideas of Christian benevolence—was by no means uncommon; for it must be remembered that an act which required a formula for its proper execution, must have been of frequent occurrence. This practice, too, which was common in ancient Greece, and was an every day custom in Rome, was derived from the Roman law. "In the name of God," says the formula, "we, the matricularii of such a church, having found, early in the morning, a new-born infant exposed at the doors of our church, and having enquired, for three days and more, if any man would own it, and found none whose name we might give it, have, from our own piety, the mercy of the Lord ordaining, sold and delivered the said infant to such a person, to be brought up, according to law, as a slave; and we have received of him, as the price of the same, so many golden solidi; and that the present deed may be more firm, we have corroborated it with our own

hands, and the hands of good men, according to the sentence of the fifth Theodosian code, which declares, '*Si quis infantum a sanguinis emerit,*' etc.

Anciently the exposition of infants arose from various causes—some superstitious, as the poverty of the parents, the weakness of the child, an evil prediction respecting it, or the birth falling on an unlucky day. Twins were generally exposed, because suspicions of illegitimacy were popularly attached to them. The practice was forbidden by the church, as heathenish and unlawful; but the prohibition was thought to be evaded by exposing the infant before baptism. If a baptized infant died in consequence of exposition, the exposer was guilty of murder. Salt laid beside the infant was a token that it had not been baptized. Neither ought the infant to have tasted anything. A drop of milk or honey—often afforded by mother-love—saved it from exposition.

The victims of the law—those who fell into servitude in consequence of judicial proceedings—consisted, for the most part, of the poorer offenders, for nearly all offences might be atoned for by fine. The indigent transgressor, when unable to pay the legal composition for his offence, had no resource but to deliver children, wife, and his own person into servitude. The necessity of a man giving his own family to satisfy the law, is of high antiquity: "*Ac primo boves, mox agros, postremo corpora conjugum aut liberorum servitio tradebant.*" (Tac. Annal. iv. 72.) In later times, the law of the Wisigoths (*Lex Wisigoth.*, ix. 1, 2) declares, that "He who shall aid a fugitive slave to run away from his master, shall find the owner a slave of equal value; and if he cannot do that, he shall himself become the slave of the person whose slave he has assisted to get away." By the "*Jus civile*" there were certain delicts, the direct consequence of which was slavery; but among the free Germans, slavery was not the penalty of an offence, but the failure of the means of compensation—all offences bore their legal compensation. The compensation became a debt; and it was only when a man was unable to discharge the debt that his wife was endangered, or that he became the slave of the creditor. Neither was he, in case of failure, sold by judicial authority, and his price paid to the creditor, but he became his property, subject to the usual conditions of sale, exchange, or punishment, which applied to that species of property. Sometimes, when the delinquent wanted but a small sum to make up the amount of the penalty, he would find a friend to advance it, either for the love of God, or on the chance of repayment.

But it more frequently happened that the culprit could only find a person willing to lay down the penalty on the condition of his

becoming that person's slave. The advantage to the offender in this case was, that he was, to some extent, enabled to choose his master, and he avoided the public degradation. In such an emergency, he entered into a voluntary engagement with the benefactor, whereby, in consideration of the payment, he acknowledged himself his servus. The twenty-eighth formula of Marculfus is an example of such a writing: "To my Lord such an one, I such an one: Whereas, by the instigation of the devil, and my own weakness, I have fallen into a grave predicament, whereby I have incurred the danger of death, but have been redeemed therefrom by your piety in paying for me so many solidi, which I, of my own effects, am unable to repay; therefore have I obnoxious to you my state of freedom, so that from this day forward I can never quit your servitude, but engage to do, at your command, or your agent's, whatever other slaves do. And if I do it not, or endeavour, by any device, to free myself of your servitude, or seek the servitude of another master, or undertake other business, it shall be lawful for you to inflict upon me whatever discipline you may chose, or to sell me, or to do with me whatever you will."

There are instances wherein, when the delinquent became the servus of the person to whom compensation is due, the writing contained a condition that, in case the servus should ever be able to satisfy the debt, the servitude should cease. One of the anonymous formulæ contains such a clause, and is curious, also, as an illustration of the mode of proceeding under the Salic law: "Whereas I have broken open your granary, and have stolen therefrom corn, or a garment, worth so much, and your vogt has summoned me before such a count, and I could not deny the fact; wherefore it was judged by such and such Rachinburgers that I should enter into composition with you for the same, and pay you so many solidi; but since I am unable to pay these solidi, it is necessary that I become your servus, and I have placed your arm upon my neck, and have surrendered myself to you by the hair of my head before the men present, and I have engaged to do, and to perform, your service, and work in such wise as you, or your officers, enjoin, until I shall be able to repay the above-named solidi; and should I be found negligent in the same, or caitiff, it shall be lawful for you to inflict upon my back the same discipline as on other serfs."

Voluntary servitude appears to have been at all times no uncommon practice among the Germans. The causes which would induce men to resign the dearest of all blessings would be various; but there was one which Tacitus (Germ. xxiv.) mentions, with a not unnatural astonishment: "They spent," he says, "whole days

at the gaming table, and set even liberty and person upon the hazard of the die; and then would the loser, although the younger and the stronger, resign himself to be bound by the feebler winner: such is their obstinacy in evil custom—they call it *faith*. In Christian times we meet with motives, full as singular, founded on mistaken principles of religious duty. Sometimes the sick would make a vow of servitude to a certain saint as the condition of recovery; sometimes the vow would proceed from the mere motive of ascetic mortification. One, Hildinus, a paralytic man, made a vow of servitude to the church of St. Ledger (*Vita S. Ludgeri* lib. iii. 7; apud Leibnitz *Script. Rer. Brunsw.* tom. i. p. 95), if, by the intercession of that saint, he might recover health; on his recovery, he bought his freedom of his temporal lord, in order that he might fulfil his vow. A cripple, by the intervention of St. Ida (*Vita S. Idæ*, lib. ii. 4; *ibid.* p. 179), being again enabled to walk, deemed himself constrained, by gratitude, though free born, to become a slave to her monastery. Ingelburgis, the daughter of Vitulis, delivered herself into bondage to St. Peter's abbey, on the condition that she should neither be sold, nor given away, by the brotherhood. (*Baluz. act. vet.* xii. 1391.) Another body, one Hisen-burgis, carried her devotional favour to a still more extravagant extent: she gave herself to the same abbey before marriage, expressly that her children might be born serfs to St. Peter. "I, Gislar," says one of these indentures of voluntary servitude, dated A.D. 1003, preserved by Miræus (*Don. Belg.* i. 18), "born, according to the vanity of earthly things, of free parents in Gand, and therefore entirely free; yet, pondering upon the exhortations of the blessed fathers, which shew that humility is the flower of all Christian virtues, have longed, in my mind, to humble the pride of the flesh, by the bondage of the saints, through whose intercession and favour I may hope to obtain the mercy of God. Therefore have I, with free hand, delivered up myself and my children, as serfs, in bondage to St. Gertrude, humbly hoping that she will deign to receive us into her family for the remission of our sins." It is impossible to enumerate all the instances of this form of religious infatuation to be found in ancient chartularies (*Cap. Car. Calv.*, xxxvi. 34), through which men and women, by the symbol of a denarius and a rope about the neck, made themselves serfs, as they imagined, to the blessed saints, but, in fact, became the slaves of the clergy. At one time, the insanity became so general, that it was endeavoured, but in vain, to restrain it by the law; it seems, however, to have subsided after its course was run.

But the most general and deplorable cause of voluntary servitude, one common to all times and countries, was want. Grego

of Tours describes the condition of the people in his day as one of intolerable wretchedness; and the number of formulæ which allege utter destitution as to the cause, and a supply of bread and clothing as the consideration for which they bartered away their liberty, afford a melancholy confirmation of the truth of the historian. It seemed a less evil to live in a state of degradation and labour, wherein the master, from a regard to his own interests, would take care to supply them with material comforts, than to die of hunger—"however wretched, it was still to live." All the formulæ of this class set forth the same reason, and contain the same powers of sale, exchange, and punishment. One may be taken as an example of the whole. "Whereas I have been oppressed by want and the severest distress, and knew not where I might obtain bread, or how I might be clothed. And in consideration that you, in my necessity, have given me money so much, or clothing worth so much, which I am unable to repay, do I make over and affirm to you my state of freedom, in such wise that whatever you can lawfully do with a born mancipium—sell, exchange, or discipline, that shall you, from the present day, have full and free power of doing unto me."

Servi, or serfs, were of various classes, and followed various occupations. Almost all the trades which now bring wealth and respectability were then exercised by slaves. We read continually in the documents of the times of a "*servus aurifex*," a "*servus sartor*," or a "*servus ferrarius*." It was common for the proprietor of one of these artists to set him publicly to work for his own benefit, or sometimes he required a certain portion of his earnings, and left him the trifling overplus for his support. The master was responsible for the slave's acts. The law provides that "if any one possessed of a slave who is a goldsmith, silversmith, painter, tailor, or shoemaker, shall set him to work publicly for his master's profit, the master shall make good any loss the slave may occasion by spoiling or filching the materials entrusted to him." These slaves, as well as those employed in household duties, are distinguished by the term "*gasindi*." They bore a higher value than the mere agricultural serf; for the Burgundian law, (T. xxi. *ibid.* T. x.) while it values a ploughman or a swine-herd at only 30 *solidi*, sets 150 *solidi* on the head of a goldsmith; 100 on that of a worker in silver; a blacksmith is valued at 50 *solidi*, and a carpenter at 40. The Salic (T. xi.) classes a house-steward (*majorem*) a server, a cup-bearer, a marschall, a groom, a smith, a carpenter, a vine-dresser, a swine-herd, and a domestic servant together, and values them at 35 *solidi* each, and a female house-keeper (*majorissa*) or a house-maid (*ancilla ministerialis*) at 25. Sometimes the wergild of the herdsman is regulated by the number of his

flock. (Lex Alem., T. lxxix. 1, 2, 3, 4, 5.) A shepherd with 80 sheep, a swine-herd with 40 pigs, dog (canem doctum) horn and boy, are each valued at 40 solidi. The same composition is fixed for the seneschal over twelve servants, and the marschall over twelve horses. The cook and the baker, provided each has a lad under him, are estimated severally at the same value. The legal valuation, however, is to be taken as the measure of the relative, not of the actual, value. The value of the slave in the market would be determined by other circumstances, by the demand and supply, as well as by his individual expertness in his calling. It may be inferred, from the silence of the law respecting slaves possessed of intellectual qualifications, that the powers of the mind were less regarded than manual dexterity. The Romans placed a high value upon a fool, a literary man, a doctor, or a player (Mart., viii. 13; Plin. Hist. Nat., vii. 39, 40); and Justinian values a notarius at fifty solidi, a medical man at sixty, and artificers at thirty each. In the great cities of France there would still be a demand for slaves of such qualifications as might minister to luxury and enjoyment; but the simple habits of the German race would set little store upon such accomplishments as served only for ornament; while those departments of science or literature which were of an useful or practical nature—the study of the law, the practice of medicine, the chronicles and sciences of the times—were already taken up and followed by the monastic orders.

The brightest periods of Grecian and Roman refinement were those of the greatest degradation and misery to the slave. Aristotle (Ethic. Nic., viii. 13; Pol. i. 4) defines him to be a possession, a tool—ὁ δούλος ἐμψυχον ὄργανον—ὁ δούλος κτῆμα τι ἐμψυχον. The Roman law considered him as a possession in the most absolute sense of the word. He was "*res mancipi*," a thing; the power over him was "*dominium*," "*potestas*," as over oxen and other animals, "*quæ collo dorsove domantur*." Nor has the legal fiction, or, more truly, falsehood, escaped the gibe of the bitter satirist. It is to be feared that the humane treatment of slaves by the Germans of Tacitus's day had lost its character in consequence of their long contact with Roman law. The formula already quoted shew that modes of coercion were in use in the seventh century, which had not been practised in ancient times. Still there might generally be little harshness in their actual treatment, though this would vary with the temper of the master and the degree of influence the slave might acquire over him; for domestic intercourse will ever tend to soften down the harsher lines of the servile connection; and a powerful mind, even in a servile station, would often preponderate

over a weaker understanding in a higher one. There would still be the "*vernæ procaces*" as in the days of Horace (ii. 6, 66), and the milder temperament of the Germans would tend to produce a yet milder treatment. But the legal condition of the slave was wretched in the extreme. Crimes, which in free-men were compensated by a slight fine, were punished in the slave by blows and death. Their lives were held to be immeasurably cheaper than those of other men; nor did the trifling wergild or blood-fine of a slave enrich his family, but his master. "If any one slays," says the law, "another man's slave, he shall pay twelve solidi to the master, or, if the slave be of great stature, fifteen solidi." If the slave were unjustly accused of crime, and tortured so that his value was impaired, the master might claim of the torturer a slave of equal value. If the wretch died under torture, the murderer was fined two slaves for the master's benefit; but the family of the sufferer received no compensation: there was no law, no retribution for them. And there was no manner of degradation to which he was not legally liable. He wore a tight, short vest of leather, or coarse sad-coloured cloth; his hair was cropped close, to distinguish him from the free-man, whose flowing locks were the proud symbol of his caste; a ring of copper, or band of some other material, was fastened on his neck; he bore a rod in his hand; lance and sword were prohibited to him, and he might only defend himself with a fork, or other casual instrument of labour. He had no family, no Gentile name. So far the analogy between the Frank and Roman servi. But with the former we meet with the same Christian names as among the free, and some which, in themselves, would imply nobility, as Adelburga, Uodilburga; while the slaves of the Roman period were usually designated by the monosyllable "por," added to the name of the master, as Marcipor, Caipor, Lucipor. But the Frank slave had no rights, and his labour was arbitrary and undefined; he was liable to bonds, blows, and death, without any legal inquisition. He might not only be sold, but the circumstances attending the sale—the exposition, the handling, the warranty, were all of a revolting nature, and tended to degrade him to a level with the brute. The forms and conditions of sale, the very terms used in the dealing, carry us to the horse-market. Thus, one Cotawina, a nun, in a deed, in the reign of Carlomann, dated A.D. 770, grants certain lands, at Leitinach and Biffindorf, to the abbey of St. Gall, with the cotters, Raginger, and his three children, Reitger, Vuantilo, and Vualtrich, with his wife, Fastrada, their son Wuolfrið, and their servus, Isambert, sanctions the exchange of Haccho, another servus, on the condition that a servus, "eleven hands high," be

given for him. Height was an important consideration in the bargaining about slave or horse. And the formulæ, according to which the dealing was conducted, warrant him to be without vice, sound in body and limb, the warranty to stand good for a year and a day. Some, in addition, guaranteed the title, and others prescribe the form of legal delivery by the hand. The second of the Bignonian formulæ may be taken as an example:—"To my magnificent brother B, the purchaser, I, in God's name, A, the vendor: Whereas I have sold to you a vernaculum (slave bred by the vendor), of such a name, my property, whom I warrant to be neither a thief, runaway, nor caitiff, but to be without vice, and sound, for a year and a day, and I have received of you for the same so many solidi. Therefore have I delivered to you the said slave by the hand, to have, hold, and possess, and deal with according to your pleasure." It then goes on to guarantee the title, under the penalty of 30 solidi, to be levied by the fisc. But though the law has thus brought down the slave to the extremity of human wretchedness, custom had introduced some ameliorations into his actual condition. According to strict law, he could possess no property, yet custom, as amongst the Romans, recognised the slave's right to his "*peculium*," which sometimes amounted to such a sum, that he was enabled thereby to purchase his freedom. As the slave thus had something, he might also have creditors, but the debt due to the master was to be paid first out of the *peculium*; and if he placed his savings in his master's hand, the law allowed no right of action to recover them. All these regulations arose out of Roman law, for with the Germans the connection, in its original form, was of too simple a character to admit of such refinements; with them the slave was considered part of the family, and there was, probably, little distinction made between his treatment and that of its other members.

It was considered an act of mercy to manumit a slave—one which entitled on the manumittor a title to a recompense in the world to come. The charters of manumission generally contain some simple scripture morality, by way of prefix or introduction:—"He who relaxes the bonds of servitude," says one, "trusts to the Lord for his reward;" another hopes thereby to obtain pardon for his sins; a third quotes the gospel—"dimittite et dimittitur vobis." Some allege simply the love of God; others, more or less pompously, set forth the wisdom of caring for the soul's health, and the necessity of good works as a means of obtaining the divine mercy. It was common to commemorate seasons of rejoicing, or of sorrow, by the manumission of slaves. Whenever a son was born to the long-haired king, three slaves were liberated in every vill

belonging to the royal fisc. The thirty-ninth of the chartæ regales is the form of a circular, addressed to the count, or domestic in charge of the vill, directing the enlargement of the slaves:—"Since Divine Providence has listened to the prayers of our optimates and people, and granted us a son, to our exceeding joy; we command, in order that the mercy of God may deign to preserve his life, that three slaves be manumitted in every vill belonging to us throughout the kingdom. Therefore we direct you to issue letters of manumission." In consequence of this warrant, the domestic enfranchised three slaves by charter, of which the fifty-second chartæ pagenses is a form. In the same religious spirit our own Alfred gives the manumitted slaves a place in his last will, and touchingly adds:—"I beseech, in God's name, and in his Saints, that none of my relatives, nor my heirs, do obstruct none of the freedom of those that I have redeemed."

The forms of manumission varied according to the customs of various peoples. The simplest, and most general, was by the hand—manumissio—hand-trada. Among the Romans, it was either by "Vindicta," "Census," or "Testamentum." "*Si neque censu, neque vindicta, neque testamento liber factus est, non est liber.*" (Ulpian Frag. T. i.; Cicero Top. c. ii.) The vindicta is the most ancient form; and it is the only one to which the term "manumission" can properly apply. Agreeably with this form, the master led his servus before the magistrate, and stated that he intended to make the man free, and the reasons of the manumission. The master held the slave by the hand, and after he had pronounced the words "*hunc hominem liberum volo*," the prætor, or his lictor, laid the rod (*virgulam aut festucam*) on the slave's head, and pronounced the words "*liber esto*." The master then turned the slave round, in token that he might go wherever he would, and let him go—"emisit e manu." The essential part of the ceremony is that it is to be performed before public authority, and from the words of manumission being pronounced by him, it may be inferred that that the consent of the state was requisite to the admission of a new citizen. For the libertus was a "*civis Romanus*." Among the Gothic peoples, it was in the mallus, or king's court, that manumissions were effected. In some countries, arms were publicly delivered to the freed-man; in others, doors were opened, and the highways declared free. The ceremony of opening the door is alluded to in the Riparian law. (T. 61.) The Lombards delivered to the freed-man an arrow; the Anglo-Saxons, lance and sword. "If any one," says the law of William the Conqueror (c. 65), "desires to manumit his serf, let him take him, by the right hand, to the viscount (sheriff), in full county court, and declare

him free, by manumission, from the yoke of his servitude, and shew him that the doors and highways are open to him, and deliver him lance and sword. Thenceforward is the serf a free-man." The same essentials are repeated by the laws of Henry I., which declare "that whether the manumission be in the county court, or hundred, it must be done publicly, before lawful witnesses, and the ways and doors are to be declared free, and arms to be placed in his hands." (i. c. 78.) The allusion to the highways seem to be equivalent with the turning round in the Roman *Vindicta*; and, in the north, which could have little intercourse with Rome, we find something analogous to the lictor's rod. A freed-woman is called "*dubba*," because she had been liberated by a blow. So, in the present day, a man is said to be dubbed a knight, from the slight blow upon the shoulder by which the creation is effected. This, too, had reference probably to the ancient form of enfranchisement, though it might be used in a mystic sense, and signify that the aspirant was freed from the bonds of sin.

Among the Franks, of the time of Marculfus, there were three forms of manumission; one, "*per denarium*," in the presence of the king; another was styled "*manumissio in ecclesia*;" the third was by private charter. When a man wished to liberate his serf "*per denarium*," he led him by the hand (*hand-trada*) into the king's court, and struck from his hand, in the king's presence, a denarius, which was laid in it, to the ground. The serf was thereby liberated, and received a royal "*præceptum denariale*," which recorded the fact, and confirmed the act of freedom. The twenty-second of the chartæ regales, which is the form of a "*præceptum denariale*," describes the manner:—"Whereas the illustrious man, such an one, has led his serf, of such a name, by the hand into our presence, and has freed him, according to the Salic law, by the werf of a denarius, we, therefore, confirm the freedom of the said serf, by this present precept; and we command that, in the same manner as other *mansoarii* who are freed from the yoke of servitude by the like title, the aforesaid man shall, by virtue of the same, be fully confirmed in his liberty, and shall suffer no molestation, but, by God's favour and ours, shall remain free and secure for ever."

The serfs so liberated, were termed, in the legal and historical documents of the times, "*Denariales*." Those who were manumitted in the church went by the name of *Tabellarii*, from the instrument, "*Tabula*," used in the manumission. The whole form of "*manumissio in ecclesiâ*," like every other part of the Romish ceremonial, follows strictly the Roman law, as laid down in the Theodosian code. (iv. 7.) The Riparian law (lviii. 1), which, more than any other branch of Frank legislation, is modelled after

the Roman, prescribes minutely the ceremonies to be observed in making a Tabellarius. It directs, "that he who, for the health of his soul, desires to manumit his servus, according to Roman law, shall deliver him by the hand to the bishop, in the church, before the priests and deacons, clergy and people, together with a table (in the time of Marculfus, a clean piece of parchment, but anciently a waxen table), and the bishop shall command the archdeacon to have written, upon the table the form of manumission, according to Roman law, by which the church is governed; and the man, and his issue, shall be held free, and shall continue under the tuition of the church." Candles, it appears, were then lighted, and the Tabellarius, clothed in a white garment, returned, after divine service was finished, "*cum cereis et tabulis*," to his home. (Greg. Tur. x. 9.) The 98th of the Lindenbrogian formulæ is the form of a tabula: it is almost in the precise words of the Ripuarian law—the bishop, the priests, and deacons—the table written and subscribed in the church, "according to the constitution of Constantine, of happy memory."

The act of manumission "*per denarium*," or "*per tabulam*," did not confer, according to our acceptation of the term, the complete rights of a free-man: it did not confer the privileges of equal law, nor raise the object of it in all respects to the level of those who were born free. Manumitted slaves fell into a state somewhat resembling that of the "*liberti* and *libertini*" of Roman law; they entered into the mund of the parties by whom they had been liberated. He who had been freed before the king, continued under the king's protection; and he who had been freed in the church, remained in the tuition of the church: one had the king, the other the church for his patron, and if any one slew them, the church, or the king, received the wergild. If they died without children, their property went, in one case, to the fisc, in the other, to the church. They were also subject to tribute, and to servile labours, for their patrons; but there was this distinction between them and the slaves, that, while the latter were looked upon in the light of property, the former could not be sold: they could legally possess goods, and their children would inherit. In these particulars the Frankish freed-man resembled the Roman *libertus*; he was also bound to the same vague duty of gratitude to the patron which Roman law required of the *libertus*. The connection was held to be one of gratitude, and as an "*ingratus*" or "*libertus impius*,"—one who shewed himself deficient in respect for his patron, or negligent of the voluntary duties connected with his state, might be legally prosecuted, and reduced to his former servitude; so it appears from the custom of some places, that an unthankful Tabularius might be

compelled to lay aside the sword, and re-enter the slavery from which he had been redeemed. (Cod. Theod. lib. iv. t. 10; Dig. xxxvii. t. 44, s. 19, and xl. t. 9. s. 80.)

The state of the *chartularius*—he who was freed by the charter, would, of course, follow the terms of the charter. The greater number of these instruments confer freedom in the fullest manner possible; for they contain a clause which expressly releases the man from the dependence and duties of the freed-man, without which, I apprehend, those duties and that dependence would continue. The formulæ for private manumissions are numerous; the thirty-second of the *chartæ pagenses* may be taken as an example: "Whereas I, such an one, and B, my wife, for the health of our souls, and in the hope of an everlasting reward, have absolved thee, C, one of our familia, from the present day, of the bond of servitude, in such wise that, henceforth, thou shalt live as free a life as if thou hadst been born of free parents, and shalt owe service or duty of patronage to neither of us, nor to our heirs, nor to any one, but only to God, to whom all things are subject; and thy peculium shall be thine own, as well as whatever thou mayest acquire hereafter. And in case it shall be necessary for thee to protect thy freedom from aggression, it shall be lawful for thee, without prejudice to the same, to choose the protection of the church or that of an individual. And should any one, we, our heirs, or any other person, endeavour to impugn thy freedom, and bring thee again into servitude, the divine wrath fall upon him, and may he be estranged from the communion of the church; and, moreover, be bound, under the authority of the fisc, to pay to thee one pound of gold; and what he seeks shall not stand; but the present charter of freedom shall remain good for ever."

Among the written forms of manumission, charters of agnation are of frequent occurrence. These are deeds by which the issue of a mixed marriage is enfranchised. A free woman would sometimes look with an eye of favour upon a serf; but if she married him her issue would be born slaves; and she herself lost her liberty, unless a charter of agnation could be obtained from the master. Sometimes, to avoid the penalty, she pleaded that the connection had been a forcible one. This would subject the serf to the penalty of death, and the master to consequent loss. Placed, therefore, in the dilemma of pecuniary damage, or the concession of a charter of agnation, the master would prefer the lesser evil, and solicit the woman to withdraw her plea, while, on his side, he would concede the agnation. This seems to be the explanation of the twenty-ninth of the *chartæ pagenses*. It is addressed, "To such a woman, I such an one, in God's name;" and goes on, "Whereas my

servus, of such a name, without thy consent or thy parents, has forcibly compelled thee to cohabitation with him, and thereby incurred the penalty of death. But, by the mediation of friends and good men, it has been agreed that the issue thereof shall remain in entire freedom; and if you will voluntarily take the *servus*, you shall declare that you have followed him of your own free will, and have taken him as your husband. And as, in consequence of this declaration, I might compel you and your issue into my servitude, I hereby, for the fear of the Lord and the remission of my sins, liberate, by virtue of this charter of agnation, you and yours from all bond of servitude; and the children shall have the same freedom as if both parents had been free, and their *peculium* shall be their own, and they shall remain upon my land, and pay rent for the same, as the custom is among free-men." According to this formula, the issue of such a marriage would be *liti* or *coloni*.

There are instances of a free-man giving a spot of land to obtain the manumission of his children on the condition that they be *coloni* on the land. In the chartulary of the abbey of St. Gall (*Goldasti Script. Rer. Alem.*, T. ii. p. i. 25) is a deed of the year 847, wherein one Haycho recites "that he had married a certain Otpirga, then a free maid, but who had since been brought into the servitude of Enricho, the advocate of the abbey; and that, in order to redeem his two sons, Voluini and Voto, from serfdom, he conveyed and delivered to the abbey a piece of land at Hasumwanc, containing one hide (*hota*) and more, on the condition that Voluini and Voto shall reside and labour thereon all their lives; and every year shall pay, as rent, one *solidus*; and, moreover, shall work for the brotherhood four days in harvest on the gathering of hay." Haycho then adds the condition, "that if the abbey shall break the agreement, and again force the men to slavery, he shall be at liberty to take back his land; and, on the contrary, if Voluini and Voto, either from negligence, connection with strange women, or any other cause, shall run away from their *colunitium*, the land shall be forfeited to the abbey." This deed illustrates the Alemannic custom of the children following the breast, and the fact of a free married woman being reduced to serfdom by the advocate of the abbey, is no inexpressive commentary upon the state of the humbler classes in the ninth century.

The conditions contained in the charters of manumission are as various as the circumstances or the temper of the benefactors; one form releases the *servus* in respect of his faithful service, but with the stipulation that the liberation shall not take effect until after the death of the liberator. Another confers the freedom, but requires the *chartularius* to make a selection of any one of his heirs

as his patron, and every year to make an oblation of lights to the holy place where the body of the benefactor shall be buried. A third empowers the *libertus* to place himself in the mundium of the church of a certain saint, "*non ad affligendum, sed ad se defendendum.*" Others grant a wider range, and allow the *chartularius* to place himself under the protection of any patron, church, or lay, which he may choose. Such permissions shew the precarious tenure of the poor man's freedom in times when private power was stronger than the law. In all countries, in all times, has justice been rarely accessible to the poor; for even when illegal force has lost its terrors, the influence of wealth raises up, perhaps, a still more insuperable obstacle. In the days of Merovingian anarchy, it was no uncommon thing for a poor freed man to be enslaved by open violence; and if it were possible for him to avoid this danger, his situation was little to be envied.

Few of the means of existence by which a labourer now supports himself were open to him; for manual employments were, for the most part, in the hands of serfs or *colini*, and it was not expected that a rich man would hire the labour which might be done by his own dependants. If, therefore, the freed-man had not amassed such a *peculium* as would suffice for his support, or if a little land were not allotted to him by his late master, his state would be rather deteriorated than bettered by the act of manumission. How much more desirable would it appear to enter the mundium of some patron who, for his labour, would afford the means of support; or, still more, that of the church. It is true he would still be bound to compulsive labour, but the labour, unlike that of the slave, would be of a definite nature; and he would have a legal status, a right to his surplus earnings, and be free from all corporal inflictions, except such as were the consequence of a judicial sentence. The legal situation of the freed-man appears to approach that of the *liti*; but the *liti* generally were not *liberti*, and there were numbers of *liberti* who were not *liti*. The difference lay in the "*adscriptio glebæ.*"

Tacitus (xxv.) remarks that the Germans used their *servi*, not like the Romans, in domestic duties, but that each *servus* had his proper cot—"suos *Pénates*"—and paid to his lord an appointed tribute of corn, sheep, or clothing, like a *colonus*. Certain labours, also, would be required, for the land was tilled by the *servi*. It is probable, therefore, that the *servi* of the time of Tacitus were rather of the nature of *liti* than serfs under the harder form of slavery. The *liti*, *lidi*, of the Salic law, were the same with the Frisian and Saxon *lazzi*, and the *aldii* or *aldiones* of the Lombards. Much difference of opinion has arisen respecting the derivation of

the word "litus." I must dissent from the conjecture of Grimm, in deriving it from "laz" (lazy), and refer it rather to the more obvious root, "lid," "lauth-man," a word which is to be found in all the dialects of the Gothic as well as in the Greek and Sclavonian tongues. In the formulæ the liti are invariably called coloni, a term borrowed from Roman law (which in England has been metamorphosed into "clown"), and, indeed, the Frank liti appear in the most important particulars, to be identical, in state, with the Roman coloni. The latter, like the colonus of Marculfus, was attached to the soil, and could not be separated from it. If the estate were sold, the coloni upon it must be sold with it; for neither they nor the land could be disposed of independently of each other. And though a colonus might be removed from one part of a master's property to another, yet when an estate was divided among many heirs, families could not be separated. The Frank colonus paid a yearly rent for his tenement, the amount of which was fixed by custom, and could not be raised. Though liable to corporal punishment in certain cases, he was not a slave; for he could contract marriage, hold property, and, with the consent of his lord, alienate it by will, or otherwise. He could also embrace the ecclesiastical profession, which could not be done by a slave. The Roman colonus paid the poll-tax, and is thence frequently called "censitus," "adscriptitius," from the circumstance of being registered in the tax-book; so also the Frank colonus paid the same tax, and his name was inserted in the cadastre. A free-man might take land on the condition of becoming a colonus; but once a colonus, there could be no change, and his issue would be born in the state of colonitium. According to Justinian (though not in more early times), the children of a mixed marriage were born coloni; should both parents be coloni, and belong to different lords, the law provided that the children should be divided, and if there was an odd one, it belonged to the master of the mother. The state of this class of imperfectly free, would naturally vary in degree of severity in different parts of Europe; but the greatest degree of freedom is to be found in those countries most distant from the contagion of Roman law. In the north there was little but noble blood to distinguish the Sarl from the Karl. The Anglo-Saxon Ceorl enjoyed a still greater freedom than the Frank colonus, whose situation most nearly approaches that of the "*villanus ratione tenementorum*" of the Norman jurists. Placed in the midway between the free Frank or Roman and the slave, the condition of the colonus partook of the condition of each. Cultivators, like the ceorls and villains of another's land, and registered in the land-book of the estate, the coloni were still reckoned, by

contemporary jurists, among the free. Bracton (lib. i. c. 6), exactly defines the situation of the whole class when he states, that they do servile works, not in consequence of their personal condition, but by reason of the tenements they held. Among the Franks the litus could appear in the mallus and speak for himself, bear arms and march with the army, possess serfs, and even other liti, who held land of him as he held it of the lord. The wergild of the litus was half that of the free-man. Among the Frisians, two-thirds of the wergild were taken by the lord, and one-third came to the family of the deceased. Still, bound for ever to the soil he cultivated, he had no possibility of outstepping his servile estate; there was for him no future to animate his labours; no hope of raising his children in the scale of society; and if he neglected the duties of his calling; if he fled from labours, perhaps too heavy to be borne, he was followed and reclaimed by his owner in the legal courts, and the mercy of the scourge was sometimes the commentary on his freedom. (Lex Burg., xxxix. 3.) Such, throughout Europe, was the state of the tillers of the soil; such were the forefathers of our English yeomen. There is no formula in Marculfus which would authorise us to infer that the state afterwards called by the Normans "privileged villanage" prevailed in his time in France, though some such relation seems to have been known in England in the days of Alfred. Privileged villanage consisted in this: that the privileged villans could not be compelled to remain on the estate contrary to their own desire.

That it was no unusual occurrence for a colonus to run away from his birth-place, is clear from the number of "*Noticiæ de colono evindicato*" which are extant among the formulæ. These *noticiæ* are forms for the judicial record by which the runaway colonus is delivered up to his master. The manner of vindicating a colonus was for the advocate of the monastery, or the vogt of the lord, to carry him, when taken, before the count in the mallus, accompanied by the monks or servants who could prove the colonitium. The proof required was to shew that the colonus had been born in the state of colonitium upon the land of the claimant, that his name was so and so, that his parents' names were so and so, that he had always lived as a colonus of the saint, or lord, on whose behalf he was claimed, and that he had idly and illegally absented himself from service. If the colonus, on being questioned, admitted the fact, he was given by the hand to the officer of the claimant, and the sentence was drawn up in corresponding terms. One record of judgment, in proceedings of this kind, will suffice to shew their nature:—"Sitting in such a city, such an illustrious man, count of the Gau, to hear causes, by the authority of such an all-glorious

king, and to do justice in God's name, appeared before him the advocate of such a monastery, and calling the man of such a name, charged him that he, being by birth a lawful colonus of the monastery of such a saint, had idly and wilfully absented himself from his service. And the man being present, and unable to deny his colonitium, was delivered by the hand to the advocate of the abbot aforesaid. And it was declared by the said count or abbot, the cause having been first tried, and the law published, that a "*judicium evindicatum*" should be granted, which is hereby done, to the effect that the man is evindicated and adjudged to the colonitium of the monastery of such a saint, and ought to remain in that colonitium for ever."

It would happen, when circumstances were favourable—when distant from home, and proof was consequently difficult, from the absence of witnesses, that the colonus would deny everything alleged by the advocate. There is a formula of a "*colona evindicata*," in which she stoutly denied all that the advocate said, and asserted roundly that her grandfather was not such an one, as stated by the advocate, nor her father, but that her parents were born free, and had never been in the colonitium of the saint represented by the advocate. Strange as this would appear to that functionary, who had probably known the woman and her family from childhood, there was no resource in the absence of witnesses but to adjourn the case to the next *mallus*, at which the woman was ordered to produce twelve relations, eight on the father's side, and four on the mother's, as conjurors, or, if they were dead, twelve Salian Franks, to confirm her testimony by their oaths. In the interval, the advocate would have time to bring forward his witnesses, in which case the compurgation would have no weight. If, from the distance and expense, the witnesses were not brought forward, the woman would have probably but little difficulty in finding twelve conjurors who would swear they believed her statement.

Female slaves, unless they were of remarkable beauty, or possessed peculiarly valuable accomplishments, were generally, notwithstanding the legislation of Justinian, less prized, and brought a lower sum than males; but a *colona*, a female tiller of the earth, appears, if we may trust the authority of the formulæ, to have been highly valued, and when one evaded her colonitium, was eagerly reclaimed. The value of the *colona* arose from the German custom of leaving much of the field labour to be performed by women. In early times the plough was little used. Cæsar tells us that the Germans cared little for agriculture, but that their food consisted chiefly of milk, cheese, and flesh. Hence probably the employment of females in the business of the farm; hence the man passed much

of the time, which was not taken up by war, in the chase, or in idleness, while the house, the dairy, the pastures, and the kye, were mainly under the management of his wife; and still, after the lapse of nearly twenty centuries, the bulk of agricultural labour, in the little takes of Germany, is done by women. The bauer may spend the time no longer occupied in hunting, in the Shenke; but the bauerfrau is indefatigable. It is her head which bears the burdens; it is she who tills and cleans the little spot of ground where vegetables for her family are grown; cuts, with her own hand, on the green hill-side, the grass wherewith her cows are fed; lodges them under the same roof with herself, tends them like children, and they know her voice, and have almost the docility of children. A German never ill-treats domestic animals. Often, when I have met a light wain drawn by a pair of cows, I have stopped to admire their beauty, their sleekness, and their contented aspect. It is to the bauer's wife that this is owing. She is the support of the bauer's cot. Caring little for sun or rain, she plants, weeds, and cuts her little crop of flax, beats and dresses it when gathered, carries the surplus, above her wants for miles on her head to market; and spends the long nights in winter in spinning the remainder for domestic use. Such was the bauerfrau when Cæsar and Tacitus wrote, and when Marculfus compiled his formulæ. Can we wonder at the high value which was attached to a colona?

Speculations upon the reasons which would induce a colonus to abandon home and family would be futile, inasmuch as they would depend upon peculiar circumstance and individual character. There would be the ever-springing desire to escape from a state of thralldom, and the prospect at least of acquiring, by prescription, a state of liberty. He who resided a year and a day in a city or vill, unclaimed by his master, became, ipso facto, free. If a colonus were an expert artificer, a clever ferrarius for example, he might find employment in a city, where, if he could baffle pursuit for a twelvemonth, the residence would give him freedom; or if he excelled in warlike exercises, he might have the ambition of exchanging his servile labour for military service, and obtain land, as the free vassal of a lord, in reward of valour; or he might be driven to desperation by harsh and cruel treatment; for though the services of the colonus were neither indefinite nor arbitrary, there were a thousand ways in which the vogt of a senior might act the tyrant, and render existence insupportable. Such things are inseparable from such a state of society; but a much more frequent cause of flight would be the misconduct of the colonus. Intemperance, the ordinary failing of the Gothic race, would often lead him to neglect his duties, and the fear of punishment would deter him from a re-

turn to them; or if it produced its usual fruit of idleness and crime, and the legal composition was impossible, there was no resource but flight to save him from the harder servitude. Cases of this sort, dependent upon accident or caprice, did not affect the general state of the coloni, whose legal situation continued to be much the same until the establishment of the feudal system. But it must not be dissembled that the system of feudal tenures produced an injurious effect upon the general condition of the cultivators of the earth. So early as the beginning of the 11th century the coloni were, in some localities, brought down almost to the level of the Mancipia. General law lost its authority, and was superseded by arbitrary jurisdiction, and arbitrary requisitions, which custom converted, in time, to a species of local law. Then all the miseries of private warfare fell upon them, the resources of the feudal proprietor were drawn from their earnings, the very splendours of chivalry were purchased by their privations. While the lord glittered in tournament and combat, tolls and dues of every kind were multiplied, prescriptive rights gave place to arbitrary exactions, many of which were grotesque, and all tyrannical, the days of compulsory labour were fearfully augmented in number, and the fines on death were increased to an impoverishing extent. Bitterness and hatred superseded the ancient relations, and men began to inquire into the title of their oppressors, and to ask why they were so wretched. This altered feeling displayed itself in risings and insurrections in almost every country of Europe. We must deplore the excesses by which these risings were attended—excesses which blighted the hopes of the peasantry, and darkened the “Morgenröthe” of their redemption. But we know the history of their struggles only from their adversaries. No bauer has told the story of his sufferings, or even Jacques Bonhomme, poor Conrad, and Jack Straw might not be without apology. It is a curious fact that the towns were generally the hardest task-masters. Many instances of feeling and generosity may be found among the nobles; there are also too many examples wherein the supplications of the bauers for some alleviation of their burthens, were rejected by the towns with harshness, if not with contempt.

CHAPTER VI.

Miscellaneous Matters.

THE preceding are the chief parts of the social economy of the seventh century which are illustrated by the formulæ of Marculfus. The miscellaneous formulæ which remain for notice include divorce; the form of registering testaments in the Roman courts; and various forms of episcopal Eulogiæ and commendatory letters.

Divorce, by mutual consent, although forbidden by the people, the decrees of councils, and the Novells of Justinian, appears to have been an act of no unfrequent occurrence. Domestic discord is usually set forth in the preamble, sometimes in coarse and ludicrous terms, as the cause of the separation; and the covenant operated, though contrary to cannon law, as a divorce—*vinculo matrimonii*—for it contains a provision, enabling the parties to re-marry; but I know not what would be the legal state of the issue of such marriages. The thirtieth of the *chartæ pagenses* is the form of a deed of separation. “Whereas since not mutual affection, according to the will of God, but discord exists between A and B his wife, so that they can hold no intercourse with each other, it has been agreed, by each, that they should voluntarily separate ‘a consortio,’ which they have done accordingly. And they have further agreed that the present letters, both of the same tenor, should be drawn between them, in order to ensure to each other full liberty either to devote himself to the service of God in a monastery, or to enter again into the bond of matrimony, without any legal pursuit, or reclamation on the part of the other. And if either of the said parties shall impugn this agreement, or institute proceedings of any kind against the other, he shall be liable to a penalty of one pound

of gold, and the parties shall remain separated, and any new matrimony which either may contract shall continue good and lawful."

Testaments, in the elder period of Roman law, were of three kinds. They were either made in the *Calata Comitia*, which were held twice a year for the purpose; or they were made in *procinctu*, preparatory to going to battle; or they were "*per æs et libram*." The first, the most ancient form, had its origin when wills were unwritten. A man made his will in the *Calata Comitia*, in order to ensure a necessary degree of publicity and safety; and it is probable also that, at some remote period, the consent of the *gentes* was essential to a disposition of land. It is likely that, by the will so made, an actual delivery took place, and therefore irrevocable. In the case of a soldier in the field, a less formal testament was admitted—the testament "*in procinctu*." It was a matter of necessity, as well as of gratitude, as many an one, who had not disposed of his property in the *comitia*, would otherwise have died intestate. But the more ordinary form of will-making, in later times, was "*per æs et libram*," a legal fiction, which bears marks of great antiquity. The principle of the thing was that a man mancipated—sold his estate to a friend, stating how he wished him to dispose of it. This, too, was originally verbal and ceremonial, but writing on waxen tablets became usual in the later republican and imperial periods, though it was never legally necessary. When a man desired to manciple his *familia* "*per æs et libram*," he assembled five witnesses, the friend called *Familia-emptor*, and a *Libripeus*. He then pronounced the form of mancipation; the *Emptor*, by another formula, undertook to execute the trust, according to the intention of the testator, and cast a piece of money into the scales, held by the *Libripeus*, as the purchase-money of the *familia*. This testator then published the will, if a written one, by calling upon the witnesses present to testify his confirmation of it. In the time of Gaius (*liber ii.* 103, 111) another person—the "*hæres*"—was charged with the division of the estate; the *Familia-emptor* had become a mere formality.

The edict authorised the dispensing with these forms, and assured the validity of a will, provided there were seven witnesses and seven seals, and Justinian adopted the principle, requiring the illustration of the seven witnesses to be made at the same time, and in the presence of each other. This, and the publication, are still essential to the validity of a testament in the Roman law.

Tacitus tells us that testaments were unknown among the Germans; and the statement is supported by the strict nature of the old German hereditary law. A man might alienate his land, but present delivery was essential to the alienation, and there could be

no delivery after death. He could make no prospective disposition, he could not alter the succession; the *Mund*, with its rights and duties, could not be bequeathed, could not devolve upon a stranger. There was a time, then, when testamentary dispositions were unknown to German law; and it is, therefore, no unreasonable assumption that the idea of the disposal of property by will was derived by the Franks from Rome. Mittermaier, however, contends that testaments are of German as well as of Roman parentage. He asserts that veritable testaments occur in countries where Roman law has had no influence, and that in lands, where Roman law has prevailed, testaments, not after the Roman form, but upon pure Germanic principles, are met with. As a proof of the first assertion, the *Leges Cnuti*, the laws of Jaroslaw, the *Leges Wallie*, *Glanvill* and *Grägäs*, are cited. One must hesitate in dissenting upon such a subject from the opinions of a writer whose researches upon German law are an honour to his own country; but still I must express my belief that there is little weight in the historical proof. It is impossible to conceive that Roman law could remain unknown in any country where the Romish church had been established. Testaments, especially, would be early introduced, as a means of enrichment and endowment. It could be strange neither to the Welsh, who so long formed part of the empire, nor to the Anglo-Saxon subjects of Cnute, whose only learning was from Roman sources, and whose devotion to the Holy See was carried to a superstitious extent. Could Alfred, who was so well acquainted with the Roman writers, be ignorant of it? Would he not have the Roman Testamentum in his mind when he wrote his celebrated will? The same remarks apply to the other instances. The legislation of Jaroslaw was Christian; and with respect to the *Grägäs*, which was compiled by Ulfliot, A.D. 930, it is notorious that little beyond the Wisigothi, belongs to the original compilation. And the circumstance of a will having but three witnesses, is not conclusive as to its German origin; for from the sixth century the same inexactness and neglect of forms prevailed in law as in other sciences, and it was not until the establishment of the Italian universities that the true spirit and forms of Roman law were recovered. That testaments, according to Germanic principles, were common in the middle ages, is undeniable; but there is no evidence to shew that they were originally a German institution. The evidence points the other way, and leads to the conclusion that the idea was borrowed from Roman law, and adapted to German habits. If the testament had been originally German, would not the *Sachsenspiegel* have treated of it? That wills were always considered a part of Roman law is evident, from the fact of their having been, in the middle ages, a

branch of ecclesiastical law. In England, where fewer changes have taken place than in any other European state, testaments are registered in the ecclesiastical courts, and are under ecclesiastical jurisdiction.

In the Imperial and later periods, it was necessary that the making and opening of wills, as well as the granting of donations, should take place before public authority, generally before the Curia and magistrates of the city. If disabled by sickness, it would appear that the man wrote his own will, and published it before the usual witnesses, and appointed an attorney to appear for him in the curia, to prosecute the registering of the instrument in the archives, and the opening after death. It appears from Marculfus, that a written will was registered in the Curia before the testator's death; for the attorney uses the words "now, or after his death." The formula is entitled "Proceedings, whereby testaments, or donations, are registered according to Roman law." It seems from this, that when a person had executed his will in the legal form, he appointed, by mandatum, an attorney to appear for him in the Curia, and to demand that the register should be opened, and the instrument inserted therein. The attorney prosecuting such a business is termed the "prosecutor," or the "professor." The proceedings are minute and curious: "In such a year, in the reign of such a king, on such a day, in such a city, present the laudable man, the Defensor, and all the Curia of the city;" the magnificent man, such an one, prosecutor, said: "I request, excellent Defensor, and you, laudable Curiales and municipals, that you will command the curial registers to be opened to me; for I have a certain instrument in my hand, which I desire to corroborate by the authority of the public records." The Defensor and Curiales reply: "The registers are open; prosecute what you wish. Go on." The prosecutor then proceeds: "The venerable or illustrious man, such an one, has commissioned me, by his mandatum, to set forth in his behalf, as the law requires, in the municipal records, a certain donation, by testament, which he, to the church, in such a holy place, or to such an illustrious person, now, or after his death, has bequeathed." The honourable Defensor then says: "Produce the mandatum which has been given you, or read it before us." The prosecutor read the same in the manner following: "To my magnificent lord and brother, such an one, I request you will have the kindness to prosecute, on my behalf, in the Curia of such a city, a deed of testament (or donation or cession), whereby I have bequeathed, now or after my decease, so much of my effects to such a church, for the rest of my soul, or to such an illustrious person, and to cause the same to be registered according to law in the municipal

records. Therefore have I written this mandatum, in order that you may be enabled to prosecute and establish the same as above; and, whatever you shall do in respect thereof, I hereby acknowledge to be done and performed by me. Done in such a year, &c." After the mandatum had been read, the honourable Defensor proceeds: "The mandatum having been established, now let the testament, which you say you have in your hands, be read before us, and inserted, as you require, in the public records." The prosecutor then reads the testament; after which the laudable Defensor and Curiales direct it to be inserted in the register, and certificates to be publicly given to the prosecutor, according to his request. The instrument is then inscribed in the register, and signed by the Defensor, Curiales, and others. The proceedings are strictly consonant with the Theodosian code. (iv. 4.)

It was the custom, in ancient times, for bishops, on the occasion of the solemn festivals of the church, such as Easter, Pentecost, and Christmas, to send letters of congratulation to their brother prelates, or to their friends, with such emblematical gifts as bread, wine, or salt, which, from the circumstance of their having previously received the episcopal benediction, were known by the name of "Eulogiæ." Occasionally, when the bishop addressed the king, presents of a more rare and costly description accompanied the letter. In one of the *Formulæ Alsaticæ* is an enumeration of the things sent on an occasion of this kind, from which we may infer the nature of the rareties which were deemed worthy of royal acceptance. Among them are a pallium of a very bright green, another of many colours, palm branches with their fruit, cinnamon and cloves, a little parcel of mastic and pepper, figs, pomegranates, an ivory comb, cochineal, insects and grasshoppers, parrots, a white ousel, and the fin of a sea-fish. With these episcopal presents went the assurance that, after the fear of God, the whole employment of the writer was to deserve by his works the unclouded sunshine of royal favour. In Marculfus (lib. ii., 42, 43, 44, 45) there are four epistles of this nature, adapted for different circumstances, and containing little beyond the pious compliments which were current in the intercourse of the day. Of a more useful and beneficent character are the letters of recommendation, whereby a traveller, or pilgrim, was commended to the hospitality of the monasteries which lay in his route. It must be remembered that inns, wherein the traveller, for his money, could obtain lodging were, at that time, comparatively of rare occurrence. It was only in the great cities that places of public entertainment existed, and these were rather of the nature of taverns or drinking shops than

houses of general reception. Indeed it is still doubtful whether the *cauponæ*, *tabernæ*, and *diversoria* of the Romans were other than shops for the sale of meat and drink, or, at most, taverns for their consumption on the premises. If they afforded lodging it was only to the humblest classes, for those places of resort were of the lowest reputation, and their accommodations of the meanest description. To supply the want of houses of entertainment there were few families of respectability which had not an "*hospitium privatum*" established in the principal cities, and all who had any claim to consideration availed themselves of that extensive private hospitality which is one of the few redeeming features of the private life of the ancients. The "*hospitia privata*" were, for the most part, broken up by the ruin of the empire, and the destruction of innumerable families, and the traveller was compelled to seek other resources. These were afforded by the monasteries which arose in every corner of Christendom, not the least of the benefits attending which was the exercise of an almost boundless hospitality. All classes availed themselves of their munificence or charity. The same doors which were thrown open to welcome the long-haired king afforded a shelter to the humblest wayfarer. It may be imagined, notwithstanding, that the unknown claimant of hospitality would meet with a more unqualified reception, if he were the bearer of letters of recommendation. So, it became the practice, when a man was about to set out on a long journey, to procure as many of these recommendatory letters as his connections and circumstances permitted. One of these letters (No. 46 *Chartæ Pag.*) recommends to the attentions of a certain bishop the bearers, "who journeying to distant lands upon the work of christian charity require his support for Christ's sake." Another (No. 47) requests the hospitality of the head of a monastery for certain monks travelling upon the affairs of their brotherhood. Of a different class is a third letter (No. 48) which introduces to an abbot "a world-weary suppliant, who desires to find a last refuge in his house. It prays him, even as the sheep is snatched from the jaws of the wolf by the good shepherd, to bring the penitent back to Christ's fold—to be to him the father and good physician—and reminds him how at the last day, when he shall present this lost lamb to the great Shepherd of All, restored in mind and healed in conscience there will be joy in heaven, and great his everlasting reward." The most usual writers of these letters are bishops whose connections would frequently extend through christendom, and whose recommendations would carry more weight than those of the most powerful laymen. Sometimes they are addressed to a lay dignitary, and require official protection for the

bearers; sometimes, in a more familiar tone, to a palatine, who happens to be a friend of the writer, reminding him, however, that, as he enjoys the favour of the church, and good wishes of his friend, he must not shrink from the labour of deserving them. But the most remarkable and most common of recommendatory letters was the episcopal brief, or circular, addressed to all Christians, spiritual or lay, from the Pope of Rome downwards, with which pilgrims to holy places furnished themselves before their departure from their homes. The forty-ninth of Marculfus is a form for this useful and singular instrument. "To my lord, the Pope, placed by God over the apostolic Roman See; to my lords and fathers; all bishops and abbots; to all the brethren called by the Lord to dwell in monasteries; also to the illustrious, the patricians, dukes, and counts; and to all men who profess the holy Christian religion; I, such an one, the vilest of sinners, presume to wish health in the Lord. Whereas the bearer, such an one by name, moved by divine inspiration, and not, as too often the manner is, by the lust of worldly amusement, deeming lightly of the perils of an arduous and laborious journey, desires in the Lord, for the benefit of prayer, to visit the threshold of the holy apostles, St. Peter and St. Paul, and has requested to be commended to your charity and care by letters from my unworthiness. Wherefore I, the humblest of all men, presume, by these presents, to supplicate that you will listen to my request, and receive, in the name of the Lord, with your accustomed piety, the person commended to you, going, and, if it be God's will, returning, and bestow on him what his necessities may require; so shall you merit the appointed reward from Him who has promised to repay richly whatever any one shall lay out upon his poor."

Such is a picture of the social life, and of the legal and constitutional customs of the German people in the period of the Merovingian monarchy, as exhibited by the leading formulæ of the day. To the student of history, to the man of letters, no less than to the lawyer, the ecclesiastic, and the politician, the subject is alike interesting, and instructive. Though the reliques of a barbarous age, they yet exhibit the great principles which have pervaded the institutions of the Teutonic race from the earliest times, and which still lie at the foundations of our own national independence and freedom. While the Celt, yielding himself up to the despotic influence of the Roman law, is content to surrender his liberty into the hands of a single man, the genius of the Saxon ever seeks to develope, more and more, those great principles of freedom which his forefathers so dearly prized. Hence it is that in this our land, in this our day,

every Englishman, taking up the language of the poet, may well declare :—

“ I envy not the warmer clime that lies
In ten degrees of more indulgent skies ;
’Tis *Liberty* that crowns Britannia’s isle,
And makes her barren rocks, and her bleak mountains smile.”

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